

Maj. Wilbur Ellsworth Bashore, Infantry.  
 Maj. Harold Head, Infantry.  
 Maj. Walter William Boon, Cavalry.  
 Maj. Hugh McCord Evans, Infantry, subject to examination required by law.  
 Maj. Michael Joseph Mulcahy, Infantry.  
 Maj. Harold Stokely Wright, Quartermaster Corps.  
 Maj. Lois Chester Dill, Quartermaster Corps.  
 Maj. Edward James Maloney, Infantry.  
 Maj. Richard Abram Jones, Infantry.  
 Maj. Nelson Macy Walker, Infantry, subject to examination required by law.  
 Maj. Milton Brandt Goodyear, Infantry.  
 Maj. William Ewart Gladstone Graham, Infantry..  
 Maj. Jesse Ralston Lippincott, Infantry.  
 Maj. Francis Russel Lyons, Corps of Engineers.  
 Maj. William Norman Thomas, Jr., Corps of Engineers.  
 Maj. Lee Sommerville Dillon, Corps of Engineers.  
 Maj. Peter Edward Bermel, Corps of Engineers.  
 Maj. Carl Raymond Shaw, Corps of Engineers.  
 Maj. Theron DeWitt Weaver, Corps of Engineers.  
 Maj. Frederic Franklyn Frech, Corps of Engineers.  
 Maj. John Elliott Wood, Corps of Engineers.  
 Maj. Edward North Chisolm, Corps of Engineers.  
 Maj. James Sproule, Quartermaster Corps.  
 Maj. Joseph John Schmidt, Infantry.  
 Maj. Arthur Bothwell Proctor, Quartermaster Corps.  
 Maj. George Augustine Frazer, Judge Advocate General's Department, subject to examination required by law.  
 Maj. Royden Williamson, Cavalry.  
 Maj. Charles Clement Quigley, Adjutant General's Department.  
 Maj. Reginald Johnston Imperatori, Coast Artillery Corps.  
 Maj. Raymond Greenleaf Sherman, Infantry.  
 Maj. William Cone Mahoney, Quartermaster Corps.  
 Maj. Alpha Brumage, Field Artillery.  
 Maj. Sherman I. Strong, Quartermaster Corps.  
 Maj. Lee W. Card, Quartermaster Corps.  
 Maj. Leighton E. Worthley, Infantry.  
 Maj. Gilbert Sylvester Woolworth, Judge Advocate General's Department.  
 Maj. Henry Mahoney Denning, Finance Department.  
 Maj. John Albert Shaw, Infantry.  
 Maj. Wesley Wright Price, Quartermaster Corps.  
 Maj. James Paul Lloyd, Infantry.  
 Maj. Thomas Asbury Harris, Infantry.  
 Maj. Charles Clarke Loughlin, Infantry.  
 Maj. Lawrence Peter Worrall, Finance Department.  
 Maj. Milton Humes Patton, Cavalry.  
 Maj. Brom Ridley Whitthorne, Quartermaster Corps.  
 Maj. Gilbert Rieman, Cavalry.  
 Maj. Wallace Edwin Durst, Quartermaster Corps.  
 Maj. Hiram Edwin Tuttle, Quartermaster Corps.  
 Maj. John Walter Campbell, Infantry.  
 Maj. Samuel Alexander Greenwell, Cavalry, subject to examination required by law.  
 Maj. John William Thompson, Quartermaster Corps, subject to examination required by law.  
 Maj. George Cook Hollingsworth, Infantry.  
 Maj. Charles Otis Ashton, Infantry.  
 Maj. Joel Franklin Watson, Judge Advocate General's Department.  
 Maj. John Conrad Hutcheson, Quartermaster Corps.  
 Maj. William Downing Wheeler, Air Corps (temporary lieutenant colonel, Air Corps).  
 Maj. David Ransom Wolverson, Quartermaster Corps.  
 Maj. William Eldon Harris, Corps of Engineers.  
 Maj. Gregory Sumner Lavin, Ordnance Department.  
 Maj. Arthur Freeman Bowen, Infantry.  
 Maj. Herbert Horton Lewis, Infantry.  
 Maj. George Ray Ford, Quartermaster Corps.  
 Maj. Newton Harrell Strickland, Ordnance Department.  
 Maj. John Vincent Rowan, Quartermaster Corps.  
 Maj. William Henry Beers, Infantry.  
 Maj. Willis Dodge Cronkhite, Infantry.

Maj. John Alexander Russell, Quartermaster Corps.  
 Maj. Theodore Tyler Barnett, Quartermaster Corps.  
 Maj. William Addison Ray, Field Artillery.  
 Maj. Lloyd Spencer Spooner, Infantry.  
 Maj. Leon Ewart Savage, Field Artillery.  
 Maj. Henry Mills Shoemaker, Cavalry.  
 Maj. Eugene Erwin Morrow, Infantry.  
 Maj. Kinsley Wilcox Slauson, Quartermaster Corps.  
 Maj. Fred Tenderholm Neville, Quartermaster Corps.  
 Maj. Louis Duzzett Farnsworth, Coast Artillery Corps.  
 Maj. Harry Martel Gwynn, Infantry.

#### APPOINTMENT IN THE REGULAR ARMY

Edward Casimir Rogowski to be a second lieutenant in the Medical Administrative Corps, with rank from date of appointment.

#### APPOINTMENT, BY TRANSFER, IN THE REGULAR ARMY TO QUARTERMASTER CORPS

First Lt. Ivan Walter Parr, Jr., Infantry, with rank from June 13, 1936.

## HOUSE OF REPRESENTATIVES

WEDNESDAY, AUGUST 28, 1940

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Most gracious God, our Heavenly Father, who hast called us to another day and assured us that we are still partakers of Thy life, before Thee nothing is common nor worthless in human life. We earnestly desire to enter into closer relationship with Thee. In labor, in association, and in the needful pauses, may we find cheer, high purpose, and an incentive to do the right and shun the wrong. Grant unto us wisdom to pursue splendid ends with intelligent zeal and patient effort that our service to our country may broaden, deepen, and bless all life. God bless America. It can be saved only by becoming permeated by the spirit of the Master and being made free and happy by the practices which spring out of His spirit. The Christ will give to all those who walk in His way victory over the things that seem impossible. We reverently pray that our citizens throughout our land may give their lives in a colossal sacrifice out of which was born our national unity and our continuance as a nation. Almighty God, Thou hast a plan which will preserve us from drifting into a materially minded people, from ease and from moral laxity. O speak to us that we may hear a voice, not of ourselves, that will direct the character and destiny of our land, born in the guidance and fear of our infinite Heavenly Father. The Lord bless our Speaker and the Congress. In the name of our Redeemer. Amen.

The Journal of the proceedings of yesterday was read and approved.

#### MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. Latta, one of his secretaries, who also informed the House that on the following date the President approved and signed bills of the House of the following titles:

On August 27, 1940:

H. R. 10030. An act increasing the number of naval aviators in the line of the Regular Navy and Marine Corps, and for other purposes; and

H. R. 10213. An act to permit American vessels to assist in the evacuation from the war zones of certain refugee children.

#### MIDSHIPMEN AT UNITED STATES NAVAL ACADEMY

Mr. SABATH, from the Committee on Rules, submitted the following privileged resolution, which was referred to the House Calendar and ordered to be printed:

#### House Resolution 581

Resolved, That immediately upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the

consideration of S. 4271, a bill to increase the number of midshipmen at the United States Naval Academy. That after general debate, which shall be confined to the bill and shall continue not to exceed 1 hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Naval Affairs, the bill shall be read for amendments under the 5-minute rule. At the conclusion of the reading of the bill for amendment, the Committee shall rise and report the same to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

## EXTENSION OF REMARKS

Mr. MITCHELL. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD, and to include a letter which I received from the White House with regard to the part the Negroes are to play in the preparedness program.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

## PRINTING OF HEARINGS BEFORE WAYS AND MEANS COMMITTEE

Mr. JARMAN. Mr. Speaker, from the Committee on Printing, I report (Rept. No. 2888) an original privileged concurrent resolution (H. Con. Res. 87) authorizing the Committee on Ways and Means of the House of Representatives to have printed additional copies of the hearings held before said committee on proposed legislation relative to the Excess Profits Taxation Act for 1940, and ask unanimous consent for its present consideration.

The Clerk read as follows:

## House Concurrent Resolution 87

*Resolved by the House of Representatives (the Senate concurring), That, in accordance with paragraph 3 of section 2 of the Printing Act, approved March 1, 1907, the Committee on Ways and Means of the House of Representatives be, and is hereby, authorized and empowered to have printed for its use 3,000 additional copies of the hearings held before said committee during the current session on proposed legislation relative to the Excess Profits Taxation Act for 1940.*

Mr. MICHENER. Mr. Speaker, will the gentleman yield?

Mr. JARMAN. Gladly.

Mr. MICHENER. How are these copies to be distributed?

Mr. JARMAN. This resolution results from a request of the chairman of the Ways and Means Committee, and they will be delivered to that committee for distribution.

Mr. MICHENER. In other words, this is just an ordinary committee print and anybody desiring copies will have to make application to the Ways and Means Committee.

Mr. JARMAN. Yes; that is the customary way.

The resolution was agreed to.

## EXTENSION OF REMARKS

Mr. KITCHENS. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include an editorial from the Courant of Hartford, Conn., a Republican paper.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mrs. O'DAY. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD on the woolen bill, and also unanimous consent to extend my remarks in the RECORD on the poll tax.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

## ANNOUNCEMENT

Mr. SABATH. Mr. Speaker, I desire to announce that, upon the urgent request of the chairman of the Ways and Means Committee, the Rules Committee will meet at 1:30 p. m. today.

## NAVAL DEFENSE APPROPRIATION

Mr. VINSON of Georgia. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. VINSON of Georgia. Mr. Speaker, no doubt the House is aware of the fact that authorization bills in the amount of \$7,000,000,000 have been passed for the Naval Establishment. Approximately \$3,320,000,000 of that authorization has been made available by appropriation and contract authorization. It is the intention of the Naval Affairs Committee of the House to keep the House and the country thoroughly conversant, as far as possible, with these expenditures. I therefore ask unanimous consent, Mr. Speaker, to insert in the Appendix of the RECORD a list of all negotiated contracts, with the name of the contractors and the fees and the place where the work is going on, and also to insert in the RECORD a complete list of all engineering firms that have been called in, the places for which they have drawn the designs and blueprints, and their fees.

Mr. RICH. Mr. Speaker, reserving the right to object—and I will not object—but I hope the gentleman will place in the RECORD at the same time the information as to where you are going to get the money to go ahead with these contracts.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

## EXTENSION OF REMARKS

Mr. WHITTINGTON. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein a declaration against delay in prompt and adequate defense by representatives of the American Legion, World War Veterans, and citizens of Mississippi, in mass meetings assembled, in Jackson, Miss., on Sunday, August 25, 1940.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

## THE LATE HONORABLE GEORGE N. SEGER

Mr. DONDERO. Mr. Speaker, at the request of the Committee on Rivers and Harbors, I ask unanimous consent to include in the CONGRESSIONAL RECORD at this point a resolution unanimously passed this morning by the committee upon the passing of our late lamented friend, Hon. GEORGE N. SEGER, of New Jersey.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

The resolution is as follows:

With profound sorrow, the Committee on Rivers and Harbors of the House of Representatives records the passing of one of its most distinguished, earnest, and conscientious members, the Honorable GEORGE N. SEGER, of the Eighth District of New Jersey.

He was the ranking minority member of this committee and had served continuously for 18 years. Always diligent and attentive to duty; always the kindly gentleman. He was always ready to contribute his voice and great ability, supported by long experience, to the advancement and progress of the Nation. His counsel and opinion held the respect of every member of this committee. His conception of public office was that it was a public trust, and no man could discharge that trust with greater fidelity and honor to the people of his district, State, and Nation than our lamented friend and colleague whose passing we mourn.

In recognition of his long and untiring services as a member of this committee and a legislator in the council halls of the Nation, we, his colleagues, wish to express our sense of personal loss in the death of our beloved and venerable friend and fellow member, and also to record our sincere appreciation for his distinguished services to the country; be it therefore

*Resolved*, That this expression of our respect and esteem be sent to the family of Mr. SEGER, spread upon the records of this committee, and offered for inclusion in the CONGRESSIONAL RECORD.

## EXTENSION OF REMARKS

Mr. MASON. Mr. Speaker, I ask unanimous consent to extend my own remarks on the subject This Changing World.

The SPEAKER. Is there objection?

There was no objection.

Mr. FISH. Mr. Speaker, I ask unanimous consent to incorporate in the RECORD a brief Associated Press statement appearing in the newspapers today showing that the American Legion of the State of Illinois had come out against the Burke-Wadsworth conscription bill.

The SPEAKER. Is there objection?

There was no objection.



# WHO IS TO BLAME FOR CONSCRIPTING MEN AND EXEMPTING INDUSTRY?

Mr. CASE of South Dakota. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection?

There was no objection.

Mr. CASE of South Dakota. Mr. Speaker, I see by the papers that Congress is to blame for the delay in the building of planes, making of bullets, tanks, and so forth. I have it on good authority that the United States confronts an emergency in national defense. I have it on reasonably good authority that this emergency calls for the drafting of men to use the planes, guns, and tanks. It occurs to me, Mr. Speaker, that if we have such an emergency we had better pass a true universal service bill to insure that these boys will have something with which to fight. If the emergency calls for drafting men to fight, does it not call for drafting men to work in essential industries? Is it not as logical to draft capital that does not fight as to draft soldiers that do? In my humble opinion, if there be a sit-down strike anywhere along the line, the American people will never forgive an administration that conscripts men to fight and exempts industry to work at high wages and guaranteed profits. [Applause.]

[Here the gavel fell.]

## EXTENSION OF REMARKS

Mr. HOFFMAN. Mr. Speaker, I ask unanimous consent to extend my remarks by printing an editorial from the Saturday Evening Post.

The SPEAKER. Is there objection?

There was no objection.

## PERMISSION TO ADDRESS THE HOUSE

Mr. CURTIS. Mr. Speaker, I ask unanimous consent that after the completion of business on the Speaker's desk and any other special orders that may have heretofore been entered, I be permitted to address the House for 15 minutes today.

The SPEAKER. Is there objection?

There was no objection.

## PREPAREDNESS

Mr. BENDER. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection?

There was no objection.

Mr. BENDER. Mr. Speaker, I observe in the morning press that the President has blamed Congress for the lack of preparedness on the part of the Nation. As a matter of fact, we are to blame because we gave him the power and the money to prepare and he did not do it. We admit our mistake in entrusting it to him. [Applause.]

[Here the gavel fell.]

## EXTENSION OF REMARKS

Mr. ANGELL. Mr. Speaker, I ask unanimous consent to revise and extend my own remarks and include the acceptance address of my fellow Oregonian, Hon. CHARLES L. McNARY.

The SPEAKER. Is there objection?

There was no objection.

Mr. KEAN. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD on the subject of slum clearance and include a resolution I have introduced to further investigate the program.

The SPEAKER. Is there objection?

There was no objection.

## ILIJA RASHETA

Mr. SCHAFER of Wisconsin. Mr. Speaker, I ask leave to withdraw from the Committee on Military Affairs' files on the bill (H. R. 4150) for the relief of Ilija Rasheta the original Army discharge.

The SPEAKER. Is there an adverse report?

Mr. SCHAFER of Wisconsin. No, Mr. Speaker.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

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## ACCIDENTS IN COAL MINING

Mr. EBERHARTER. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection?

There was no objection.

Mr. EBERHARTER. Mr. Speaker, an Associated Press dispatch from Bates, Ark., dated August 27, carries the news that—

Nine men were killed late today and a tenth still unaccounted for at 9:30 o'clock, after an explosion at the Bates Coal Corporation mine near here.

This is nothing unusual. Most every day we hear about persons being killed in coal-mine accidents. During the past year, or a little more, more than 1,600 coal miners lost their lives in explosions. Those lives could probably have been saved had we had an adequate Federal mine-inspection law.

I urge each Member of the House, therefore, who is interested in saving lives, to sign the discharge petition No. 35. [Applause.]

[Here the gavel fell.]

## EXTENSION OF REMARKS

Mr. DICKSTEIN. Mr. Speaker, I ask unanimous consent to extend my own remarks and to include a radio speech made by Hon. Francis Biddle, Solicitor General of the United States, on the registration of aliens.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. DICKSTEIN. Mr. Speaker, I ask unanimous consent to insert a letter which I received from the Non-Sectarian League For Americanism and an editorial which appeared in "Der Frontkamarad," the official publication of the German World War Veterans' Organization of Chicago.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

## PERMISSION TO ADDRESS THE HOUSE

Mr. PETERSON of Florida. Mr. Speaker, at the request of our colleague the gentleman from Pennsylvania [Mr. SNYDER], I ask unanimous consent that the special order assigned to him of 30 minutes for Thursday be carried over until next Tuesday, September 3, at the conclusion of the legislative program and such other special orders as may have been entered for that day.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

## LEAVE OF ABSENCE

Mr. PETERSON of Florida. Mr. Speaker, I wish to announce the death of the brother of the gentleman from Pennsylvania [Mr. SNYDER] and ask that the gentleman from Pennsylvania be excused for the balance of the week.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

## EXTENSION OF REMARKS

Mr. VOORHIS of California. Mr. Speaker, I ask unanimous consent to extend my remarks in the Appendix of the RECORD and to include therein an article from the financial page of the Los Angeles Times.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

## PERMISSION TO ADDRESS THE HOUSE

Mr. RAYBURN. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. RAYBURN. Mr. Speaker, I have asked for this time in order to make an inquiry of the gentlemen on the minority side. Last evening a very able address was made out in Oregon by the Vice Presidential candidate on the Republican ticket. I listened to it carefully. I also listened to the acceptance speech of the Republican Presidential candidate, Mr. Willkie. There seems to be a debate between the Presidential and the Vice Presidential candidates, and I have been wondering if any Member on the minority side was going to ask unanimous consent to insert last night's speech in the RECORD. If not, I think it might be proper for me to do it. [Applause.]

Mr. HOFFMAN. Mr. Speaker—

The SPEAKER. The gentleman from Michigan.

Mr. HOFFMAN. I will ask that unanimous consent as an evidence of independence and free thinking. We do not need just one man to express our thoughts.

The SPEAKER. Is there objection to the request of the gentleman from Michigan that the address referred to be printed in the Appendix of the RECORD? [After a pause.] The Chair hears none, and it is so ordered.

Mr. ANGELL. Mr. Speaker, that was already inserted under my request to extend remarks a moment ago. [Laughter and applause.]

Mr. MICHENER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MICHENER. Inasmuch as the request to include in the RECORD the splendid address delivered last night by Senator McNARY has already been granted, may we thank the majority leader for his solicitude and suggest that it is reassuring to know that the distinguished majority leader recognizes the merits of the address delivered by the next Vice President.

The SPEAKER. The gentleman from Michigan has stated no parliamentary inquiry.

#### PRIVILEGE OF THE HOUSE

The SPEAKER. The unfinished business before the House is the question of the privilege of the House raised by the gentleman from Montana. Does the gentleman from Montana desire to be recognized?

Mr. THORKELSON. I want to be recognized, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from Montana.

Mr. WOLCOTT. Mr. Speaker, I wonder if the gentleman from Montana before he proceeds would yield long enough to permit the chairman of the Committee on Roads to take up the conference report on the highway bill. I feel certain I can assure the House that this will be very brief.

The SPEAKER. Does the gentleman yield for that purpose?

Mr. THORKELSON. I yield for that, Mr. Speaker.

#### AMENDMENT TO FEDERAL AID HIGHWAY ACT

Mr. CARTWRIGHT. Mr. Speaker, I call up the conference report on the bill (H. R. 9575) to amend the Federal Aid Highway Act, approved July 11, 1916, as amended and supplemented, and for other purposes, and ask unanimous consent that the statement be read in lieu of the report.

Mr. MICHENER. Reserving the right to object, Mr. Speaker, are the minority members of the conference committee here?

Mr. CARTWRIGHT. Yes. The gentleman from Michigan [Mr. Wolcott], who just asked the gentleman from Montana to yield, is one of them.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

The Clerk read the statement of the managers on the part of the House.

The conference report and statement are as follows:

#### CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9575) to amend the Federal Aid Act, approved July 11, 1916, as amended and supplemented, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 5, 6, 7, 10, 21, 22, 23, 24, 28, and 37.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 8, 9, 11, 12, 14, 15, 16, 17, 18, 19, 25, 26, and 27, and agree to the same.

Amendment numbered 3: That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment, as follows: In lieu of the figure inserted by the Senate, insert the figure "\$17,500,000"; and the Senate agree to the same.

Amendment numbered 4: That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment, as follows: In lieu of the figure inserted by the Senate insert the figure "\$17,500,000"; and the Senate agree to the same.

Amendment numbered 13: That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same with an amendment, as follows: Strike out the period at the end of the Senate amendment, insert a comma and the following: "and the total of the apportionments to each State during the 6-year period beginning with the fiscal year 1942 shall equal the total of the apportionments that would have been made to each State during such period if the discretionary power conferred by this proviso had not been exercised"; and the Senate agree to the same.

Amendment numbered 20: That the House recede from its disagreement to the amendment of the Senate numbered 20, and agree to the same with an amendment, as follows: After the word "construction", insert the following: "and maintenance"; and the Senate agree to the same.

Amendment numbered 29: That the House recede from its disagreement to the amendment of the Senate numbered 29, and agree to the same with an amendment, as follows: Strike out the Senate amendment and in lieu thereof insert the following:

"Sec. 12. (a) The Reconstruction Finance Corporation, pursuant to its authority under existing law and subject to all the terms and conditions thereof, is authorized to cooperate with States to finance, or to aid in financing, the acquisition of real property or interests in property (any such acquisition being herein called a 'right-of-way') necessary or desirable for road projects eligible for Federal aid under the Federal Highway Act (42 Stat. 212), as amended and supplemented.

"(b) Every loan or purchase of securities by Reconstruction Finance Corporation to finance or to aid in financing the acquisition of a right-of-way, as defined in this section, shall hereafter be made only after approval of the project (including the plans, administration, and financing thereof) by the highway department of the State and by the Public Roads Administration of the Federal Works Agency."

And the Senate agree to the same.

Amendment numbered 30: That the Senate recede from its disagreement to the amendment of the House numbered 30, and agree to the same with an amendment, as follows: Strike out the Senate amendment, and insert in lieu thereof the following:

"Sec. 13. The Commissioner of Public Roads, in cooperation with the State Highway Departments of the respective States, is hereby authorized, upon the request of any State, to investigate the location and development of flight strips adjacent to public highways or roadside development areas, for the landing and take-off of aircraft."

And the House agree to the same.

Amendment numbered 31: That the House recede from its disagreement to the amendment of the Senate numbered 31, and agree to the same with an amendment, as follows: Renumber the section as follows: "Sec. 14"; and the Senate agree to the same.

Amendment numbered 32: That the House recede from its disagreement to the amendment of the Senate numbered 32, and agree to the same with an amendment, as follows: Renumber the section as follows: "Sec. 15"; and the Senate agree to the same.

Amendment numbered 33: That the House recede from its disagreement to the amendment of the Senate numbered 33, and agree to the same with an amendment, as follows: Renumber the section as follows: "Sec. 16"; and the Senate agree to the same.

Amendment numbered 34: That the House recede from its disagreement to the amendment of the Senate numbered 34, and agree to the same with an amendment, as follows: Strike out the Senate amendment, and insert in lieu thereof the following:

"Sec. 17. Any amounts heretofore apportioned to any State under the provisions of Section 7 of the Act of June 16, 1936 (49 Stat. 1521), for secondary or feeder roads, for which the period of availability expired on June 30, 1940, and which remained unexpended on said date, shall not be reapportioned to all the States as required by Section 21 of the Federal Highway Act, but shall remain available to such State until June 30, 1941, and any balance of such amounts then remaining unexpended shall be reapportioned to all of the States in the manner now provided by law."

And the Senate agree to the same.

Amendment numbered 35: That the House recede from its disagreement to the amendment of the Senate numbered 35, and agree to the same with an amendment, as follows: Strike out the Senate amendment, and insert in lieu thereof the following:

"Sec. 18. Funds authorized and made available under Section 21 of the Federal Highway Act as amended may be used to pay the entire engineering costs of the surveys, plans, specifications, estimates, and supervision of construction of projects for such urgent improvements of highways strategically important from the standpoint of the national defense as may be undertaken on the order of the Federal Works Administrator and as the result of request of the Secretary of War, the Secretary of the Navy, or other authorized national-defense agency."

And the Senate agree to the same.

Amendment numbered 36: That the House recede from its disagreement to the amendment of the Senate numbered 36, and agree to the same with an amendment, as follows: Strike out the Senate amendment, and insert in lieu thereof the following:

"Sec. 19. In approving Federal-aid highway projects to be carried out with any unobligated funds apportioned to any State, the Commissioner of Public Roads may give priority of approval to, and expedite the construction of, projects that are recommended by the appropriate Federal defense agency as important to the national defense."

And the Senate agree to the same.



Amendment numbered 38: That the House recede from its disagreement to the amendment of the Senate numbered 38, and agree to the same with an amendment, as follows: Strike out the Senate amendment, and insert in lieu thereof the following: "20"; and the Senate agree to the same.

WILBURN CARTWRIGHT,  
LINDSAY C. WARREN,  
WILL M. WHITTINGTON,  
JESSE P. WOLCOTT,  
JAMES W. MOTT,  
*Managers on the part of the House.*  
KENNETH MCKELLAR,  
CARL HAYDEN,  
LYNN J. FRAZIER,  
ROBERT M. LA FOLLETTE, Jr.,  
*Managers on the part of the Senate.*

## STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9575) to amend the Federal Aid Act, approved July 11, 1916, as amended and supplemented, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon and recommended in the accompanying conference report as to each of such amendments, namely:

On amendment No. 1: Authorizes \$100,000,000 for regular Federal aid for the fiscal year ending June 30, 1942, as proposed by the Senate, instead of \$93,750,000, as proposed by the House.

On amendment No. 2: Authorizes \$100,000,000 for regular Federal aid for the fiscal year ending June 30, 1943, as proposed by the Senate, instead of \$93,750,000, as proposed by the House.

On amendment No. 3: Authorizes \$17,500,000 for secondary roads for the fiscal year ending June 30, 1942, instead of \$18,750,000 as proposed by the House, and \$15,000,000 as proposed by the Senate.

On amendment No. 4: Authorizes \$17,500,000 for secondary roads for the fiscal year ending June 30, 1943, instead of \$18,750,000, as proposed by the House, and \$15,000,000, as proposed by the Senate.

On amendment No. 5: Strikes out the proposal of the Senate to amend the provision of the House to require that for a State to receive its Federal-aid apportionment without matching the special highway-user taxes levied by such State shall be at least equal to the average of such special taxes levied by all States.

On amendment No. 6: Strikes out the proposal of the Senate to permit States to receive Federal aid without matching if the constitution of the State provides that all special taxes on motor-vehicle transportation shall be used for highway purposes.

On amendment No. 7: Strikes out the proposal of the Senate to change the number of a condition in the provision of the House.

On amendment No. 8: Authorizes \$20,000,000 for grade-crossing eliminations for the fiscal year ending June 30, 1942, as proposed by the Senate, instead of \$37,500,000, as proposed by the House.

On amendment No. 9: Authorizes \$20,000,000 for grade-crossing eliminations for the fiscal year ending June 30, 1943, as proposed by the Senate, instead of \$37,500,000, as proposed by the House.

On amendment No. 10: Strikes out the proposal of the Senate to permit the use of grade-crossing elimination funds for secondary road improvements.

On amendment No. 11: Amends the provision of the House so that \$7,000,000 is authorized for forest highways, and \$3,000,000 for forest development roads and trails, for the fiscal year ending June 30, 1942, and like amounts for the fiscal year ending June 30, 1943, instead of \$10,500,000 for forest highways, roads and trails, for each of said years, as proposed by the House; and provides method of administering forest highway appropriations.

On amendment No. 12: Strikes out the provision of the House requiring that the Secretary of Agriculture shall apportion certain forest highway funds.

On amendment No. 13: Provides method for apportioning forest highway funds to States with small forest areas.

On amendment No. 14: Authorizes \$1,500,000 for the fiscal year ending June 30, 1942, for public-land roads, as proposed by the Senate, instead of \$1,875,000, as proposed by the House.

On amendment No. 15: Authorizes \$1,500,000 for the fiscal year ending June 30, 1943, for public land roads, as proposed by the Senate, instead of \$1,875,000, as proposed by the House.

On amendment No. 16: Provides that apportionments for public-land roads shall be made on the basis of the area of such lands in each State as shown by certificate of the Secretary of the Interior which he is directed to make each year.

On amendment No. 17: Authorizes \$4,000,000 for the fiscal year ending June 30, 1942, for national-park roads and trails, as proposed by the Senate, instead of \$5,625,000, as proposed by the House.

On amendment No. 18: Authorizes \$4,000,000 for the fiscal year ending June 30, 1943, for national-park roads and trails, as proposed by the Senate, instead of \$5,625,000, as proposed by the House.

On amendment No. 19: Provides that appropriations for national park and monument roads shall be administered in conformity with regulations jointly approved by the Secretary of the Interior and the Federal Works Administrator.

On amendment No. 20: Provides that hereafter national parkways shall be constructed in conformity with regulations jointly approved by the Secretary of the Interior and the Federal Works Administrator.

On amendment No. 21: Authorizes \$3,000,000 for the fiscal year ending June 30, 1942, for Indian roads, as proposed by the House, instead of \$2,500,000, as proposed by the Senate.

On amendment No. 22: Authorizes \$3,000,000 for the fiscal year ending June 30, 1943, for Indian roads, as proposed by the House, instead of \$2,500,000, as proposed by the Senate.

On amendment No. 23: Strikes out the proposal of the Senate to amend the provision of the House which limits roadside development to publicly owned or controlled recreational areas.

On amendment No. 24: Strikes out the proposal of the Senate to amend the provision of the House to limit roadside development to recreational areas owned or controlled by the States or their political subdivisions.

On amendment No. 25: Limits roadside and landscape development with the aid of Federal funds to that approved by the Public Roads Administration.

On amendment No. 26: Makes a slight change in the form of the provision of the House, substituting the words "Provided, That" for the word "and."

On amendment No. 27: Limits to 3 percent, as proposed by the Senate, instead of 5 percent as proposed by the House, the amount of Federal-aid funds apportioned to any State which may be used without being matched by the State for the purchase of adjacent strips of land for the preservation of the natural beauty through which highways are constructed.

On amendment No. 28: Strikes out the proposal of the Senate to amend the provision of the House which permits limited use of Federal-aid funds for the preservation of the natural beauty through which highways are constructed, without such funds being matched by the States.

On amendment No. 29: Authorizes the Reconstruction Finance Corporation to cooperate with States in financing the acquisition of rights-of-way needed for Federal-aid road projects, as proposed by the House, but strikes out, as proposed by the Senate, the House provision that in case of default on any loan for such purpose the amount of such default may be deducted from Federal-aid highway funds apportioned to the State in default.

On amendment No. 30: Authorizes the Commissioner of Public Roads, upon the request of any State, to investigate the location and development of flight strips adjacent to public highways or roadside developments for landing and take-off of aircraft.

On amendment No. 31: Directs the Commissioner of Public Roads to investigate the service afforded by all highways of each State and report to the Congress each year the progress made in classifying the highways into groups composed of roads of similar service importance, as proposed by the Senate.

On amendment No. 32: Authorizes the Public Roads Administration to pay transportation and subsistence expenses of employees assigned to perform engineering services beyond continental United States and to increase the compensation of any such employee during such assignment, as proposed by the Senate.

On amendment No. 33: Authorizes the reapportionment to all of the States of any funds withheld by the Public Roads Administration from any State as a penalty for diversion of road-user taxes to nonhighway purposes, as proposed by the Senate.

On amendment No. 34: Extends until June 30, 1941, or for 1 year, the period of availability of Federal funds for secondary or feeder roads heretofore apportioned to any State, as proposed by the Senate.

On amendment No. 35: Authorizes the use of Federal highway administrative funds to pay the engineering costs of surveys, plans, specifications, estimates, and supervision of construction of projects for urgent improvements on highways strategically important from the standpoint of national defense.

On amendment No. 36: Authorizes the Commissioner of Public Roads to give priority of approval to projects important to the national defense.

On amendment No. 37: Strikes out the proposal of the Senate to restrict the construction of bridges within 10 miles of an existing toll bridge.

On amendment No. 38: Renumbers the section.

WILBURN CARTWRIGHT,  
LINDSAY C. WARREN,  
WILL M. WHITTINGTON,  
JESSE P. WOLCOTT,  
JAMES W. MOTT,  
*Managers on the part of the House.*

Mr. CARTWRIGHT. Mr. Speaker, I move the previous question.

The previous question was ordered.

The conference report was agreed to.

A motion to reconsider was laid on the table.

Mr. VINSON of Georgia. Will the gentleman yield?

Mr. THORKELSON. Mr. Speaker, I yield if it is not taken out of my time.

The SPEAKER. It will not be taken out of the gentleman's time.

INCREASING NUMBER OF MIDSHIPMEN AT UNITED STATES NAVAL ACADEMY

Mr. VINSON of Georgia. Mr. Speaker, I ask unanimous consent to take from the Speaker's table S. 4271, to increase

the number of midshipmen at the United States Naval Academy and its immediate consideration. I may say, Mr. Speaker, this is the bill we had up yesterday and for which the Rules Committee has this morning granted a rule. I hope we may obtain unanimous consent for the consideration of this bill without invoking the rule.

The SPEAKER. Is there objection to the request of the gentleman from Georgia [Mr. VINSON]?

Mr. RICH. Mr. Speaker, reserving the right to object, I would not have objected yesterday had I been permitted to ask one additional question of the gentleman from Georgia. It seems when we try to do something in the House they want to shove it through without giving the Members the proper notice that they should have nor the information they should have. That was the reason for my objection yesterday. May I ask the gentleman why it is that we set the date of April 1 for the age limit when it is ordinarily the first of June to be 20 years of age?

Mr. VINSON of Georgia. Because that applies to those in 1939.

Mr. RICH. It is April 1?

Mr. VINSON of Georgia. Yes.

Mr. RICH. Then I have been misinformed on that. I wondered why that amendment was placed in the bill.

Mr. HOBBS. Mr. Speaker, reserving the right to object, may I ask the distinguished and able chairman of the Committee on Naval Affairs if he has any statement that he can make to the House with respect to the 2,000 retired naval officers who have been educated at Annapolis, graduated, and commissioned but are now on the retired list? They have been adjudged by duly constituted Navy selection boards to be fitted officers, physically, mentally, and morally. They are at this moment fit to perform the duties of officers in our Navy immediately, without 4 years of schooling. Can the gentleman give us any assurance whatsoever that those men will be called back into the active service of the Nation?

Mr. VINSON of Georgia. As I understand it, there are some 2,000 officers physically qualified on the retired list. Approximately 1,000 of these officers have already been called back to service. The Navy Department states that it has not sufficient money right now to call the balance of them back, but I am in disagreement with the Navy Department on that point. I think they do have sufficient money and that these men should be called back because the Navy needs them. For instance, let us take the naval officer detailed to the Committee on Naval Affairs. When we finished the major portion of our work I asked the Navy Department to take him back to the Naval Establishment so he could do a full day's work down there. We are in need of these officers, and they should be called back.

Mr. HOBBS. May I ask the distinguished gentleman if, in his deliberate judgment, there is a real necessity for the additional midshipmen authorized by the bill?

Mr. VINSON of Georgia. It is essential to man ships that will go into commission in approximately 4 years from now. Of course, it will take 4 years for these boys to be educated.

Mr. PLUMLEY. Mr. Speaker, reserving the right to object, my inquiry relates to those officers who have been relegated to the dump heap by reason of the selection boards. Will any of them be called back into service?

Mr. VINSON of Georgia. Under the law and by the cooperation of the gentleman from Vermont [Mr. PLUMLEY], the gentleman from Pennsylvania [Mr. DITTER], and the gentleman from Alabama [Mr. HOBBS], as well as others, we wrote into an appropriation bill that any officer passed by the selection board and who is capable could not be put upon the retired list during the limited emergency. So every Member of Congress can thoroughly understand that any officer, whether he is promoted by the selection board as best fitted or if he is classified as a fitted officer by mandate of Congress, has got to stay in the service of his country unless he makes application under other provisions of the law for retirement.

Mr. DITTER. Mr. Speaker, reserving the right to object, are we to assume, then, that that change of attitude is an

admission of a mistake on the part of the administration for not having taken that course prior to the emergency?

Mr. VINSON of Georgia. It is due entirely to the need for officers. It would be folly to be sending boys to the Naval Academy, on the one hand, and turning them out on the other hand after they have had 14, 21, or 29 years service when we need the officers.

Mr. DITTER. That is the procedure they have been following.

Mr. VINSON of Georgia. We need the officers now. We are keeping the officers. Anyone can take all the credit he wants to for that provision of the law. The result is what counts.

Mr. DITTER. Will this apply to the aviation as well as to the other types of officers?

Mr. VINSON of Georgia. What does the gentleman mean?

Mr. DITTER. The matter of giving way under the selection system.

Mr. VINSON of Georgia. It applies to marines and to naval officers irrespective of which division of the service they work in. The gentleman from Pennsylvania is well aware of that because by his aid and cooperation we got it through. [Applause.] I think we have covered this subject fully now, Mr. Speaker.

Mr. WALTER. Mr. Speaker, reserving the right to object, will the gentleman tell me what happened to the 20 naval aviators who were found fitted but despite that fact were relieved from duty?

Mr. VINSON of Georgia. They were not permitted to go out because Congress stepped in by placing an amendment on an appropriation bill and stayed the hand of the selection board.

Mr. WHITTINGTON. I reserve the right to object, Mr. Speaker. The report on the pending bill stipulates that the candidates named in that report will be admitted if this bill passes. I am advised that subsequent to the submission of the report other alternates for 1940 whose papers have been examined have qualified mentally. My question is whether or not, notwithstanding the fact that they are not named in the report, those candidates mentally qualified will be admitted.

Mr. VINSON of Georgia. The gentleman is correct, because the language of the bill governs instead of the language of the report.

Mr. HOBBS. Reserving the right to object, Mr. Speaker, may I ask the distinguished gentleman if this is not the status of the legislative situation: The bill reported out by the distinguished gentleman and his Committee on Naval Affairs passed both Houses but was vetoed. That bill would have accomplished the desired result in the regular, orderly legislative way, but now the only hope of those retired officers, and our only hope of their further service in the Navy is a rider on an appropriation bill, which by its terms will expire in 1 year.

Mr. VINSON of Georgia. The gentleman is correct. The bill by which we sought to accomplish the retention of these officers was vetoed. We took that provision out of the bill and put it into an appropriation bill, and it was signed.

Mr. HOBBS. But we have the assurance of the gentleman that the policy of his committee and his personal attitude is that these men as speedily as possible must be not only retained but put to work in the service of the Navy?

Mr. VINSON of Georgia. If I had my way, they would work more than any 8 hours, too. [Applause.]

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That until September 14, 1940, the President is authorized to appoint as additional midshipmen at large at the Naval Academy those competitive and alternate candidates designated for admission in the calendar years 1939 and 1940 who were found mentally qualified therefor prior to the date of this act but were not accepted for reasons other than physical disqualification.



With the following committee amendment:

Page 1, line 9, after "disqualification", insert a colon and the following proviso: "Provided, That no such candidate shall be eligible for admission who was more than 20 years of age on April 1, 1940."

The committee amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

House Resolution 581 was laid on the table.

#### QUESTION OF PERSONAL PRIVILEGE AND PRIVILEGE OF THE HOUSE

Mr. SABATH. Mr. Speaker, the gentleman from Montana has been recognized on his resolution, claiming that the matter about which he has risen involves a question of personal privilege.

The SPEAKER. And the privilege of the House.

Mr. SABATH. And the privilege of the House. I maintain that it does not, and I desire to read his resolution and leave it with the Speaker whether it does or not. This is the gentleman's resolution:

*Resolved, That the remarks appearing on page 10342—*

Mr. SCHAFER of Wisconsin. Mr. Speaker, a point of order. The gentleman is clearly out of order under the rules of the House. The gentleman from Montana has been recognized.

Mr. SABATH. This is a parliamentary inquiry.

The SPEAKER. Does the gentleman yield for that purpose?

Mr. THORKELSON. No, Mr. Speaker. I should like to proceed on my question of privilege.

The SPEAKER. The gentleman from Montana declines to yield.

Mr. SABATH. Then, Mr. Speaker, I raise a point of order.

The SPEAKER. The gentleman will state his point of order.

Mr. SABATH. My point of order is that the gentleman's resolution does not involve a question of personal privilege or even the privilege of the House, and this is the reason why I make the point of order. The gentleman's resolution states:

*Resolved, That the remarks appearing on page 10342 of the CONGRESSIONAL RECORD under date of August 14, 1940, to wit—*

*And these are my statements:*

The House will recall that in the Appendix of the RECORD, pages 3006-3010, I showed that he had placed in the RECORD up to that time 210 full pages of scurrilous matter at a cost of \$9,400 to taxpayers. I showed that he had imposed upon the House by inserting in one of his leaves to print a forged letter of Col. E. M. House, confidant of the late Woodrow Wilson, in which Colonel House was placed in the false position of being in a conspiracy to restore the American Colonies to Great Britain. After that performance, and even before, I lost all confidence in him.

On this he bases the question of privilege on which he has been recognized. All this appeared in the CONGRESSIONAL RECORD, as I stated, of May 16. I merely restated what I stated then. I wish to state again that I asked unanimous consent to revise and extend my remarks, putting these few lines in there which had already appeared in the CONGRESSIONAL RECORD on May 16. However, I find and am informed that the RECORD does not show that I obtained unanimous consent for that. I am not going to set myself up as saying that they all made a mistake. I am satisfied that I received that consent. The reporter may not have heard me when I made that request. But in view of the fact that the same language appears in the RECORD on May 16, if there should be any question, I am willing to withdraw the remarks because they are a part of the speech I made on the floor of the House on May 15, and every word was reinserted on August 14.

Mr. SCHAFER of Wisconsin. Mr. Speaker, I make the point of order against the gentleman's point of order that it comes too late, because the Speaker had recognized the gentleman from Montana on the question of the privilege of the House and the gentleman had proceeded under that recognition and had yielded for unanimous-consent requests.

Mr. MICHENER rose.

The SPEAKER. Does the gentleman from Michigan desire to be heard on the point of order?

Mr. MICHENER. Everything the gentleman from Chicago has said is *res adjudicata* as far as the rules are concerned. The Speaker has already ruled that the gentleman from Montana had a question of personal privilege and was entitled to the floor, and has recognized him. Therefore the gentleman from Chicago is only speaking by sufrance or by permission of the Chair on the point of order.

Mr. THORKELSON. Mr. Speaker, I also want to make this statement—

Mr. SABATH. Mr. Speaker, for the purpose of saving the time of the House, if there is any question about it, I am willing that these remarks shall be withdrawn from the RECORD of August 14, because they do appear in the RECORD of May 15 also.

The SPEAKER. Does the gentleman from Montana agree to that request?

Mr. THORKELSON. I do not agree to it, because he cannot withdraw the damage done to me throughout this Nation.

Mr. SCHAFER of Wisconsin. I object Mr. Speaker.

The SPEAKER. The Chair understands that the gentleman from Montana objects.

The point of order is made by the gentleman from Illinois, and in order to clarify the procedure on matters of this sort as it affects the question raised by the gentleman's statement of personal privilege and the privileges of the House, the Chair will read for the RECORD, a very brief extract from the opinion rendered by Mr. Speaker Longworth, on March 1, 1928, according to Cannon's Precedents, volume 8, section 3462:

The Chair is not advised of any rule of the House that covers the situation directly. The general theory as to the revision and extension of remarks can be put in this language: Although a Member has the right to revise his remarks with the approval of the Speaker, he has not the right to extend those remarks except in the case where the House has expressly given permission to do so.

The Chair upon yesterday was informed of that opinion and although the gentleman from Illinois states that he did, according to his best recollection, obtain this permission, the official record, as shown by the reporters and by the RECORD itself, does not disclose that the gentleman from Illinois obtained that permission on that particular occasion to revise and extend his remarks.

On the point of order raised by the gentleman from Illinois, the Chair is recognizing the gentleman from Montana upon the basis of this paragraph from the preamble of his resolution upon which he desires to secure the recognition of the Chair:

Whereas the insertion of said remarks results in the RECORD being inaccurate, in that the RECORD, as printed, contains statements which from the RECORD appear to have been made on the floor of the House, but for which permission for insertion in the RECORD was not obtained.

Under those circumstances unless the gentleman from Montana and all the Members are willing to agree to the unanimous-consent request of the gentleman from Illinois that the remarks which are cited in the gentleman's motion be expunged from the RECORD, the Chair, under the rules, will recognize the gentleman from Montana on his question of privilege.

Mr. RAYBURN. Mr. Speaker, will the gentleman yield?

Mr. THORKELSON. I yield.

Mr. RAYBURN. The gentleman from Montana and I had some conversation yesterday afternoon. I must be out of the hall for 15 or 20 minutes and will not the gentleman ask to revise and extend his remarks before that time, because I do want to be here when the gentleman asks to revise and extend his remarks.

Mr. THORKELSON. You mean yesterday.

Mr. RAYBURN. No; I mean today.

Mr. THORKELSON. Mr. Speaker, I ask unanimous consent to revise and extend my remarks in the RECORD.

Mr. RAYBURN. Mr. Speaker, I reserve the right to object and I do so for this reason. On yesterday the gentleman from Montana showed me a volume of some kind. I do not know what it is called, because I was looking at only one part

of it. He desired, he said, during the day to extend his remarks and have printed in the RECORD a so-called letter supposedly addressed to the Right Honorable David Lloyd George, and it took up 3 or 4 pages of this book and came on down and closed with "Your most humble and obedient servant," with two dashes, and no name whatever signed to it. Now, to me that is an anonymous letter and I do not think anybody wants anonymous letters printed in this RECORD or so-called copies of them. So, if the gentleman is asking now in this request that he be allowed to revise and extend his remarks in the RECORD by putting in any so-called letter to which there is no name signed, I object.

The SPEAKER. In order that there may be no confusion hereafter about this matter, is it the purpose of the request of the gentleman from Montana that the letter referred to by the gentleman from Texas be included in his extension of remarks?

Mr. THORKELSON. Mr. Speaker, my request to revise and extend my remarks does not include a request to extend this letter in the RECORD.

I am only going to discuss that part relating to myself, in which my statements seem to have been held inadequate and where I seem to have been accused of inserting forged matter in the RECORD and where I have been accused of other things that I am not guilty of.

The SPEAKER. The gentleman does state in response to the inquiry of the Chair, that his request does not include the right to incorporate in his extension the letter referred to by the gentleman from Texas [Mr. RAYBURN].

Mr. RAYBURN. Mr. Speaker, further reserving the right to object, nor any part of it is to be included.

The SPEAKER. Is that satisfactory to the gentleman?

Mr. THORKELSON. I do not know what the gentleman means by "any part of it." If I am to discuss as to whether my remarks are accurate or inaccurate, certainly I must refer to something. I cannot refer to the majority leader and prove it by him. I must prove it by matter which I have.

Mr. RAYBURN. The gentleman cannot prove anything by referring to a letter—

Mr. THORKELSON. You do not know. I can prove it, but you cannot.

Mr. RAYBURN. If the gentleman will wait until I get through—

Mr. THORKELSON. I will wait, but I do not want the majority leader to make that statement.

Mr. TABER. Mr. Speaker, will the gentleman yield to me for a question?

Mr. RAYBURN. In just a moment. I want to say this one thing. I do not think, Mr. Speaker, that even the gentleman from Montana [Mr. THORKELSON] can prove anything by quoting from a document that is anonymous.

Mr. TABER. May I suggest that according to my understanding of the practice, no one is entitled to include any quotation from anything unless specifically allowed by the House; that if one wants to quote from a letter or quote a letter he must ask the privilege specifically to do it. A general request to extend remarks would not permit that privilege.

Mr. RAYBURN. That is correct, but as I said to the gentleman from Montana [Mr. THORKELSON], I had to be out of the House for a few minutes and I would not agree to his request unless he agrees not to ask, while I am out of the Chamber, that that letter be incorporated.

The SPEAKER. Is there objection?

Mr. SABATH. Mr. Speaker, reserving the right to object, because the gentleman is so technical—

Mr. SCHAFER of Wisconsin. Mr. Speaker, the regular order.

The SPEAKER. The Chair is indulging in the regular order. The gentleman from Montana has made a request and the gentleman from Illinois has a right to reserve the right to object.

Mr. SABATH. Reserving the right to object, Mr. Speaker, the gentleman has been so technical with me in two instances, notwithstanding he has put into the RECORD insinuations

against me personally which I have ignored completely—in view of that fact, I am obliged to object, and I shall object to any extension whatsoever.

The SPEAKER. Objection is heard to the request of the gentleman from Montana.

The gentleman from Montana is recognized.

Mr. THORKELSON. Mr. Speaker, my purpose in addressing the House is not to attack any Member of the House. It is simply to clear my name of accusations that have appeared in the CONGRESSIONAL RECORD and in every paper throughout the United States. I would be the last one in this House to attack any man personally, and I have not attacked the gentleman from Illinois [Mr. SABATH]. My purpose is to prove, as I said, the remarks that I have made and inserted in the CONGRESSIONAL RECORD.

Now, let us bear this point in mind: There can be no forgery unless there is an original. It does not matter whether the instrument is signed or not. The value depends entirely upon the matter it contains.

Mr. SABATH. Mr. Speaker, I raise a point of order.

Mr. THORKELSON. I refuse to yield.

Mr. SABATH. A point of order, Mr. Speaker. The gentleman is not speaking to his resolution on the privileges of the House.

The SPEAKER. The gentleman will proceed in order.

Mr. THORKELSON. It does not make any difference whether the instrument is signed or not. Let us take our own Constitution. Suppose it was not signed. It was ratified and it was signed before it was adopted by the States, but it did not become valid until it was adopted by the States. Adoption by the States made it valid. But it was not signed by the States. It is true because of the substance matter it contains—not because of the signatures appended to it.

Now, I want to discuss the early part of the World War, the propaganda that was raging throughout the country at that time. I have made those statements in my remarks in the RECORD and they are not false; they are true.

In 1916 or 1917 Sir Gilbert Parker came to the United States and took charge of the propaganda machine that operated so successfully throughout the World War. He brought an army of over 10,000 people with him, who were engaged then, as they are now, in propaganda for the British Government. In order to bring this clearly before the Members of Congress, there was an investigation conducted in the city of New York.

There is a paragraph in this book that deals with Sir Gilbert Parker; and I now ask unanimous consent to include that report in the RECORD at this point.

The SPEAKER. Is there objection to the request of the gentleman from Montana?

Mr. SABATH. Reserving the right to object, Mr. Speaker, what report is it?

Mr. THORKELSON. It is a report by the ex-mayor of New York, Mr. Hylan, and Mr. Hirschfield.

Mr. SABATH. Well, read it.

Mr. THORKELSON. I do not want to read it now.

The SPEAKER. Does the gentleman from Illinois object to the request that this matter be incorporated in the RECORD?

Mr. SABATH. Not knowing what the article is and due to my past experience with the gentleman, I must object.

The SPEAKER. Objection is heard to the request.

Mr. THORKELSON (reading):

#### BRITISH PROPAGANDA AGENCIES ARE ACTIVE IN AMERICA

There is striking significance in the uniformity with which these revisionists proclaim their purpose to rewrite American school history from a new viewpoint. A comparison of their statements in their prefaces reveals that they all seem to be subject to the same influences.

It is well known that children are highly sensitive to the spirit of an author. This is why in the writing of school history the prime essential is a true and virile patriotic spirit in the author. If this be wanting, his history, however precise it may be as to specific facts, is only a bulb without a current.

Charles Grant Miller, in the course of his testimony at one of the hearings, said:

"The history that truthfully presents our Nation's annals in such sympathetic, virile, patriotic spirit as to inculcate in our children pride in the birth and development of our Republic, honor to its



heroes, devotion to its principles and progress, and zest in its ideals and purposes—this is a true history. But the history that creeps along the verge of falsehood, alien in spirit, snarling in self-defense that it is 'not actually untrue,' and inoculating the children with suspicion of the Nation's founders, doubt as to its cardinal principles, and indifference to its democratic ideals—that history is false."

And I agree with him.

It may all be accidental, nevertheless no one can fail to note the complete accord in which all these school-history revisionists have shifted their standpoint and the striking similarity of their statements proclaiming their new attitude.

Col. Alvin M. Owsley, national commander of the American Legion, in his statement at a hearing in my office, said:

"We must keep on the alert and not let this protest that has been so well started dwindle away into nothing, for want of the real facts about the hostile forces at work. Let us find out just who or what influence it is that has undertaken to rewrite our history, to underestimate the value of our national character, and to undermine the fixed principles upon which our Nation was built."

There are certain recognized influences which have been working long and powerfully to this end.

There never has been any secret about the underlying purpose in the Cecil Rhodes scholarships. Cecil Rhodes was no idle dreamer, and his far-seeing genius and practical methods added vast domains to the British Empire. Few of his plans failed.

As already stated in this report, one of the objects of Rhodes was "the ultimate recovery of the United States of America as an integral part of the British Empire."

Cecil Rhodes laid his ambitious plans to that end, and by heavily endowing with British gold, and backed by the British Government, created agencies for their working out. Under the ingenious Rhodes scholarship scheme the best of our American young men, selected from the colleges of all our States, especially for their required "qualities of leadership," are taken to England and placed in Oxford University for 3 years, with an allowance of £300 English money a year, and are then returned to us perfect English gentlemen, advocating British-American union.

The SPEAKER. Is the gentleman from Montana now reading his own language?

Mr. THORKELOSON. I am reading from the statement that the gentleman from Illinois requested me to read. I asked—

The SPEAKER. The gentleman will proceed.

Mr. THORKELOSON. I asked to have this inserted.

The SPEAKER. The Chair understands the situation. The gentleman will proceed.

Mr. THORKELOSON (reading):

These former American young men have formed a Rhodes Scholars' Alumni Association of America. This association has been openly active in defense of the Anglicized school histories.

When Cecil Rhodes dreamed his dream of "the extension of British rule throughout the world," and "the ultimate recovery of the United States of America as an integral part of the British Empire," he was obsessed of ambition less for political than for financial and commercial dominance. Since then the money power has shifted its seat, but the dream of world dominance remains, and the British Government is still its most effective instrument.

The money superpower is now on this side of the Atlantic, and, according to the English historian, John Richard Green, "the main current of the history of the English-speaking peoples must run along the channel not of the Thames, or the Mersey, but of the Hudson and the Mississippi." But in all the intriguing pleas for an English-speaking union those active in the movement do not seek an extension of the area of freedom under the American Constitution, but always an extension of British trade and power.

So, it is easy to see why our fundamental principles are being discredited, our history rewritten, and our ideals destroyed at behest of a superpower which is neither British nor American, knows no patriotism, and recognizes no country except as subject for exploitation.

This international money power is constantly seeking to persuade the American people to surrender their inherited sources of inspiration, strength, and guidance, and does now, largely, control the governmental policies of the United States as well as of England and other foreign countries.

America is safe only if her people will see to it that the historic truths, principles, ideals, and purposes that have served them un-faithfully through a century and a half of unprecedented progress and to unparalleled prestige, be preserved unsullied in our own generation and transmitted unimpaired to our children. The antidote to the propaganda poison lies in patriotic teaching in the public schools.

Education foundations, which have come to exercise immeasurable influences upon the scholastic and public-school systems of the United States, are offsprings of the international banking power, as a glance at their interlocking directorates and a sane thought as to the habitual practices and intuitive purposes of their founders clearly reveal.

Elihu Root, chairman of the Carnegie council, illustrates at once this directness of connection, and the completeness of design of the superpower.

Andrew Carnegie was another—Britisher through and through—who could dream grandly and had power to make his dreams come true. He endowed the multimiform Carnegie institutions from motives which he never sought to conceal. His fondest dream was to bring about a "reunited state, the British-American Union."

The spirit of this finds expression and fruition through the Carnegie Libraries, Foundation for Advancement of Teaching, Division of Intercourse and Education, Aid for Vocational Education, Association for International Conciliation, and, by no means least seductive, the Carnegie Pension Fund for American professors and even American judges.

Direct and vital effects of these organized influences for Briticization of our scholastic and public-school systems are readily detected and clearly identified in utterances of innumerable teachers' associations in the last few years. These are fairly typified and summarized in the following excerpt from the report of the American History Teachers' Association, submitted to the United States Congress, October 22, 1918:

"Attention is directed to the old charge that the study of the American Revolution in our schools tends to promote an anti-British state of mind. It is a natural reaction to demand revision of our textbooks with a view to the cultivation of a pro-British state of mind; and that reaction is now actually in evidence."

Other influences that have been directly at work to bring about the emasculation of American history and the destruction of our national spirit and morale are not only recognizable but confessed and in some cases even boasted.

Sir Gilbert Parker, professional British propagandist, in an article in Harper's magazine, March 1918, outlined some of his methods of "putting it over" on the American people as follows:

"Practically since the day war broke out between England and the Central Powers I became responsible for American publicity," Parker wrote. "I need hardly say that the scope of my department was very extensive and its activities widely ranged."

"Among the activities was a weekly report to the British Cabinet upon the state of American opinion, and constant touch with the permanent correspondents of American newspapers in England. \* \* \* Among other things, we supplied 360 newspapers in the smaller cities of the United States with an English newspaper."

Mr. SCHAFER of Wisconsin. Will the gentleman yield?

Mr. THORKELOSON. I yield to the gentleman from Wisconsin.

Mr. SCHAFER of Wisconsin. Is it not a fact that Lord Northcliffe came over here and spent hundreds of millions of dollars to buy up and control certain papers so they could be used to disseminate this war intervention propaganda?

Mr. THORKELOSON. I want to say to the gentleman from Wisconsin that Sir Gilbert Parker did come over here and he had an army of 10,000 people working in the United States disseminating British propaganda, the same as they are doing today, and that is so recorded in Senate hearings. That is all on public record.

Mr. SCHAFER of Wisconsin. Then the real director of that British propaganda was a man who was called Lord Northcliffe. Now we have a man who is called Lord Beaverbrook in charge of the British propaganda operations?

Mr. THORKELOSON. That is correct.

Mr. SCHAFER of Wisconsin. Is it not a further fact that the CONGRESSIONAL RECORD reveals that a few days ago a Senator put into the RECORD a list of the international banker contributors to the slush fund for propaganda purposes which is handled by Mr. William Allen White, warmonger No. 3 in the United States, since Ambassador Bullitt returned and replaced him as warmonger No. 2?

Mr. THORKELOSON. That is right. There is a man now connected with Kuhn, Loeb & Co. who was then connected with the British military intelligence service. He is now a partner in Kuhn, Loeb & Co. He was connected with them at the time this happened.

"We advised and stimulated many people to write articles; we utilized the friendly services and assistance of confidential friends; we had reports from important Americans constantly, and established association by personal correspondence with influential and eminent people of every profession in the United States, beginning with university and college presidents, professors, and scientific men, and running through all the ranges of the population. \* \* \* "It is hardly necessary to say that the work was one of extreme difficulty and delicacy."

The propaganda that Parker boasts he was putting over was sixfold:

"That the Revolution was a contest between the German George III on one side and the English people and American colonists on the other."

And I want to say that the histories are now teaching that George III was a German instead of a Britisher.

"That many Americans regret the War of 1812 as most Britishers regret the acts of George III."

That "the greatest enemy of American development was Napoleon," but Great Britain saved us from conquest by him.

That is what is taught in our textbooks today.

That it was the British Foreign Minister Canning who gave us the Monroe Doctrine and made it an accepted fact.

That is in the textbooks today. That is why we are going pro-British.

The SPEAKER. Would the gentleman from Montana allow a question from the Chair?

Mr. THORKELOSON. Yes, Mr. Speaker.

The SPEAKER. On what phase is the gentleman addressing himself so far as the question of privilege is concerned?

Mr. THORKELOSON. I did not want to read this, Mr. Speaker. I asked unanimous consent to have it inserted in the RECORD. This is a history of the secret service I am now reading.

The SPEAKER. Conceding that, to what phase does it have reference so far as the question of privilege is concerned?

Mr. THORKELOSON. With regard to whether I have uttered truths or falsehoods. I believe that is part of my resolution.

The SPEAKER. The Chair does not find any language in the gentleman's resolution where he is charged with an untruth or falsity.

Mr. THORKELOSON. There is the question of whether I have stated facts or not.

The SPEAKER. The only question of privilege involved is whether or not the matter was put in without permission of the House.

Mr. THORKELOSON. The gentleman from Illinois [Mr. SABATH] asked me to read it. Now, then, if he does not want me to read it, I will put it in the RECORD.

The SPEAKER. The gentleman from Illinois objected to the gentleman's request to incorporate the statement in the RECORD. He did not request the gentleman to read it. The Chair does not desire to interrupt the continuity of the gentleman's argument, but the Chair is under some obligation to see that the gentleman conforms with the rules and discusses the matter of privilege about which he complains.

Mr. THORKELOSON. Then, Mr. Speaker, I ask unanimous consent to insert this article in the RECORD.

The SPEAKER. The Chair understands that the gentleman from Illinois objected to that request.

Mr. SABATH. Mr. Speaker, I object to any insertion. I have no objection if the gentleman wishes to read it, although under the rules of the House he is not even permitted to do that. But I am willing to grant him that privilege myself, and I will not object to his reading anything he desires to read.

The SPEAKER. Yes; but the Chair, in order to preserve the integrity of the proceedings on matters of privilege, has some interest in the matter.

Mr. THORKELOSON. Mr. Speaker, there is a rule that is a little greater than the rules of the House. We, the people of the United States—

The SPEAKER. The gentleman is now making a point of order?

Mr. THORKELOSON. I make this point of order.

The SPEAKER. The gentleman will state it.

Mr. THORKELOSON. The powers not delegated to the United States by the Constitution nor prohibited by it to the States are to the States, respectively, or to the people. That part of the Constitution reserved to the people is the unwritten power of the Constitution, which Congress has taken advantage of. Article IX states that the enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people.

Mr. Speaker, I am one of the people of this Nation. I am a Representative of Montana. I am a Member of this Congress and I ask for my constitutional right to present my case before the House.

The State or the Chair has no right to deprive me of those rights, and I stand on my constitutional privileges in spite of the regulations of the House.

The SPEAKER. In view of that attitude, will the gentleman kindly reply to this question of the Chair: The gentleman has referred to his constitutional rights. Does the gentleman recognize that under the Constitution the House has the right to establish its own rules of procedure?

Mr. THORKELOSON. I do, Mr. Speaker. I recognize that the House has the right to establish its own rules and that the House may also punish a Member for disorderly behavior, and that the House may expel a Member by the concurrence of two-thirds of the House. Mr. Speaker, that occurs in article I, section 5, in the second paragraph.

The SPEAKER. The Chair overrules the point of order.

Mr. HOFFMAN. Mr. Speaker, will the gentleman yield for a unanimous-consent request?

Mr. THORKELOSON. Yes.

Mr. HOFFMAN. Mr. Speaker, I ask unanimous consent, then, in order that we may have good feeling all around and that the gentleman's constitutional rights may be preserved, that he may be permitted to extend his remarks in the RECORD.

The SPEAKER. Objection has already been made to that.

Mr. HOFFMAN. Does the gentleman make any objection to that?

Mr. SABATH. I do. I object to that. No question of personal privilege has arisen here. This is a question of the privilege of the House.

Mr. THORKELOSON. This is by the chairman of the Rules Committee. I have been annoyed by him ever since I have been in this House, and I am tired of it.

The SPEAKER. The Chair is endeavoring to carry out the rules of procedure. The gentleman from Montana will proceed.

Mr. SCHAFER of Wisconsin. Mr. Speaker, will the gentleman yield for a question?

Mr. THORKELOSON. Not just this moment, please. I should like to have 6 hours to finish it up.

The SPEAKER. The gentleman declines to yield.

Mr. THORKELOSON. Mr. Speaker, am I permitted to extend this in the RECORD or not? Am I denied my rights to advise the American people about facts that are happening in this Government, to warn them of what is happening in this Government? Is a Member of Congress denied the right to advise the people of this Nation what is transpiring here? I would like to know whether this is a British Congress or whether it is the Congress of the United States.

#### CALL OF THE HOUSE

Mr. SCHAFER of Wisconsin. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. The gentleman from Wisconsin is raising a highly constitutional question. The Chair will count. [After counting.] Ninety-one Members are present, not a quorum.

Mr. RAMSPECK. Mr. Speaker, I move a call of the House. A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 199]

Allen, Pa.	Clark	Ford, Leland M.	Kilburn
Arnold	Cluett	Ford, Miss.	Kirwan
Austin	Cole, Md.	Ford, Thomas F.	Lambertson
Barden, N. C.	Collins	Fulmer	Larrabee
Barton, N. Y.	Connelly	Garrett	Lemke
Bates, Mass.	Cooley	Gavagan	Luce
Beam	Corbett	Gifford	McDowell
Bland	Cox	Guyer, Kans.	McGranery
Bolton	Culkin	Hall, Edwin A.	McLeod
Bradley, Pa.	Darrow	Hare	McMillan, Clara
Brewster	Delaney	Harrington	McMillan, John L.
Buck	Dempsey	Hart	Maciejewski
Buckley, N. Y.	Dirksen	Harter, Ohio	Martin, Ill.
Bulwinkle	Doxey	Hope	Martin, Mass.
Burch	Drewry	Jeffries	Merritt
Burdick	Elliott	Johnson, Ind.	Mitchell
Burgin	Fay	Johnson, Lyndon	Monkiewicz
Byrne, N. Y.	Ferguson	Johnson, W. Va.	Mott
Caldwell	Fernandez	Jones, Tex.	Murdock, Utah
Carter	Fitzpatrick	Keller	Myers
Casey, Mass.	Flaherty	Kelly	Nelson
Celler	Flannery	Kennedy, Michael	Norton
Chapman	Folger	Kerr	Pfeifer



Pierce  
Randolph  
Reece, Tenn.  
Richards  
Risk  
Routzohn  
Ryan  
Sacks

Sandager  
Sasscer  
Schaefer, Ill.  
Schultz  
Shafer, Mich.  
Sheridan  
Snyder  
Starnes, Ala.

Sullivan  
Sutphin  
Sweeney  
Thomas, N. J.  
Tolan  
Treadway  
Voorhis, Calif.  
Vreeland

Wallgren  
White, Ohio  
Wigglesworth  
Woodrum, Va.  
Zimmerman

The SPEAKER. Three hundred and seven Members have answered to their names, a quorum.

On motion of Mr. RAMSPECK, further proceedings under the call were dispensed with.

#### QUESTION OF PERSONAL PRIVILEGE AND PRIVILEGE OF THE HOUSE

Mr. THORKELSON. Mr. Speaker, I do not wish to take up much of the time of the House, but I should like to proceed with my discussion. Naturally, I cannot substantiate my statements made here in the House unless I can produce my evidence. I am going to do that.

I have said the Carnegie Foundation is un-American, that it is pro-British, and that the Carnegie Foundation has brought about a change in the teachings of the public schools. In the first place, I want to call your attention to this article that appeared in the papers sometime ago when the question arose of whether we should retain the Star-Spangled Banner as the national anthem. Then again, I want to call your attention to an article headed, "Carnegie millions used to foster internationalism in United States. Colleges, libraries, civic organizations invaded with pro-League gospel." Then I want to call your attention to this, "League Court propaganda subsidized in United States colleges." This is a long time back. I want to call your attention to this drive that was made to bring us into the League of Nations. That has been going on for a long time. I want to call your attention to the fact that statements have been made by me to the effect that money had been appropriated by Congress to Great Britain, and that Great Britain had used such money to loan it to foreign nations and to buy up oil fields in the United States. Those statements have been denied, but I want to call your attention to this sheet here. This is a copy of the New York American of Sunday, February 22, 1925, and it shows a facsimile of two checks that were issued by the United States Government to the House of Morgan and endorsed by the House of Morgan. In my statement an allusion is made that this money was given to Japan. It was loaned to Japan by Great Britain so she could build a fleet in order to be a competitor of the United States. The purpose of that was to build up the Japanese Fleet so that England could maintain dissension between the United States and Japan in order to divert us from trading with foreign nations.

Now, the time is short, but I want to call your attention to the fact that in every war Great Britain has furnished the United States with a blacklist; and what is that blacklist for? The blacklist is simply to stop our trading with South America and other countries; and Great Britain then goes around and says, "The United States will not trade with you, but we will." In other words, she is using that weapon to destroy the trade of the United States.

Mr. SCHAFER of Wisconsin. Mr. Speaker, will the gentleman yield?

Mr. THORKELSON. I will in just a moment.

You may not believe my statement, but here is a photostat of a blacklist that appeared in the New York Herald, Monday, April 22, 1918. This is one of them, and here is another blacklist that was issued by Great Britain to the United States which we observed and actually destroyed our own trade in observing this blacklist. We have blacklisted over 5,000 firms in many nations in the world, and even in the Scandinavian countries. You can readily see that when we adopt anything like that, or when we observe anything like that given to us by a foreign power, we absolutely destroy our own trade.

It has been said in a statement in regard to the remarks that I made that it was not true that American officers had been decorated by the British Government. I have here

Whitaker's Almanac, the 1920 edition, and you will find that the officers were decorated by the British Government as K. C. B. or K. G., or whatever it may be, but a gentleman, Mr. Low, made the statement that this was wrong, because the accolade had not been given to them; in other words, they had not been dubbed as "sir knight," and that the title of "sir" would not apply to them. He suggested that titles be canceled and taken out of the almanac because it had made the American people suspicious, and the officers were then deprived of the titles given to them by the British Government. So you see all these statements are absolutely true.

Then there was the statement about the British films and the moving-picture industry, and it was stated that that could not be right, because it did not happen until December. The fact is that the moving-picture industry was bought in May, and was so stated in the New York Times of Friday, May 16, 1919, and I shall read the heading to you:

Europe field for pictures—Famous Players-Lasky and the British interests in a three-million corporation composed of American and foreign actors—Construction of big studios to be made at once—The League of Nations is the first film.

That is exactly what this statement says, but it occurred 1 month ahead of the statement. So the man who made that statement knew what he was talking about, and I know what I am talking about when I tell you these facts. I am simply trying to bring these facts before the House.

Mr. SCHAFER of Wisconsin. Mr. Speaker, will the gentleman yield for a brief question at that point?

Mr. THORKELSON. In just a moment.

I have discussed the Anglo-Saxon Federation and I have discussed the British Israel Federation. The Anglo-Saxon Federation was started by Cecil Rhodes and the British Israel Federation is a movement that was carried on from that. That is the background of all these things that we see throughout the United States.

Now, you might think I am crazy when I make that statement, but if you will take a dollar bill out of your pocket and if you will look at the back of that dollar bill you will find the symbol of the British Israel Federation on the back of your dollar bill, and you will find this inscription, "Novus ordo seclorum"—the new order of the ages.

Now, I am going to take you back to something else. Maybe none of you has seen these pictures. This is a picture of the Illuminati, the picture carried on the back of the dollar bill and by the British Israel Federation as their symbol or insignia. This is the early planning that occurred 100 years ago. Now, who do you think is the author of this planning?—one of the Roosevelts, if you please, who lived 100 years ago, Mr. Clinton Roosevelt, and that is the planning that F. D. Roosevelt, or President Roosevelt, is now carrying on.

Now, you do not have to take my word for it, because you will find this symbol on the back of your dollar bill, and that should be sufficient evidence for anyone.

I want to read this to you also. I want to read to you what Clinton Roosevelt said, because that is interesting.

The SPEAKER. Does the gentleman expect, before he finishes, to address himself to the question of privilege?

Mr. THORKELSON. I am, in proving the statement I have made in regard to the federation is correct. If I am wrong, I will be glad to be corrected.

The SPEAKER. The gentleman will proceed in order.

Mr. SCHAFER of Wisconsin. Will the gentleman yield?

Mr. THORKELSON. I yield briefly.

Mr. SCHAFER of Wisconsin. The gentleman has a great many books and records substantiating the facts that he put in the CONGRESSIONAL RECORD. He has now brought those books and records to the attention of the House and I now rise to ask if the gentleman will not kindly ask unanimous consent that the Clerk slowly read his pending resolution, because that is the matter which is now before the House and we will be called upon to vote on that resolution.

Mr. THORKELSON. That is what I am going to do as soon as I read this statement. I want to read this statement

and then I am going to quit. I want you to listen to this. This was said a hundred years ago:

Should not every man have a certain amount of land as his own exclusive property?

Any individual might have a site for a house and garden, and even a farm, where it might be difficult to bring large numbers to labor together, as in some mountainous regions; but where large numbers might congregate, they should labor together under leaders in the fields and in factories under foremen and officers, precisely as soldiers in an army do.

That was said 100 years ago and that is what we have today.

Mr. Speaker, I ask unanimous consent that the resolution may be read.

The SPEAKER. The gentleman asks unanimous consent that the resolution again be read. Is there objection?

Mr. GREEN. Reserving the right to object, what is the substance of this resolution?

Mr. THORKELOSON. As to whether I have inserted in the RECORD information that is correct or not correct. Also the question arises that is not considered at this time, as to whether I inserted a letter that was not correct—a so-called forged letter. Of course, I contend I did not, because I can prove that this report is absolutely true and I think the people of this Nation ought to know it. I do not desire to hurt the feelings of any Member of Congress. You ought to know that I would not do anything in the world to hurt anyone. That means every Member of this House, but I have taken an obligation to preserve and defend this Constitution of the United States. I have done that over 40 years ago and I am going to honor that obligation; yes, I want to honor that obligation. The reason I brought this before the House is because I want the Members of Congress to know and I want the people of this Nation to know what is transpiring here today.

In these statements that I made I can prove each and every one of them. If the House will give me an opportunity, I will prove, without any question, that every statement I have made in this House is absolutely correct. After you hear those statements you will agree with me that the people ought to know about them.

The SPEAKER. Is there objection?

Mr. GREEN. Reserving the right to object, what is the resolution? I do not understand the purport of it.

Mr. THORKELOSON. It is a question of personal privilege.

The SPEAKER. The gentleman asks unanimous consent that the resolution may be read for the information of the House. Is there objection?

There was no objection.

The Clerk again reported the pending resolution.

The SPEAKER. Has the gentleman concluded his remarks?

Mr. THORKELOSON. Yes, Mr. Speaker.

The SPEAKER. The question is on agreeing to the resolution offered by the gentleman from Montana.

The resolution was agreed to as follows:

Whereas the gentleman from the Fifth District of Illinois, Mr. SATH, caused to be inserted in the CONGRESSIONAL RECORD of August 14, 1940, on page 15814, the following remarks:

"The House will recall that in the Appendix of the RECORD of May 16, pages 3006-3010, I showed that he had placed in the RECORD up to that time 210 full pages of scurrilous matter at the cost of \$9,400 to taxpayers. I showed that he had imposed upon the House by inserting in one of his leaves to print a forged letter of Col. E. M. House, confidant of the late Woodrow Wilson, in which Colonel House was placed in the false position of being in a conspiracy to restore the American Colonies to Great Britain. After that performance, and even before, I lost all confidence in him."

And whereas such insertion is a violation of the privilege of the House, in that said remarks charge a Member of the House with having inserted in the RECORD a forged letter; and

Whereas the insertion of said remarks results in the RECORD being inaccurate, in that the RECORD as printed contains statements which from the RECORD appear to have been made on the floor of the House, but for which permission for insertion in the RECORD was not obtained; and

Whereas said remarks, as so inserted, were not in order and were an abuse of the privilege of the House: Therefore, be it

Resolved, That the remarks appearing on page 10342 of the CONGRESSIONAL RECORD under date of August 14, 1940, to wit: "The House will recall that in the Appendix of the RECORD of May 16, pages 3006-3010, I showed that he had placed in the RECORD up to that time 210 full pages of scurrilous matter at a cost of \$9,400 to taxpayers. I showed that he had imposed upon the House by in-

serting in one of his leaves to print a forged letter of Col. E. M. House, confidant of the late Woodrow Wilson, in which Colonel House was placed in the false position of being in a conspiracy to restore the American Colonies to Great Britain. After that performance, and even before, I lost all confidence in him," be, and they hereby are, expunged from the CONGRESSIONAL RECORD, and are declared to be not a legitimate part of the official RECORD of the House.

Mr. THORKELOSON. Mr. Speaker, I ask unanimous consent to revise and extend the remarks that I have made.

The SPEAKER. The gentleman from Montana asks unanimous consent to revise and extend the remarks he has made. Is there objection?

Mr. RAYBURN. Mr. Speaker, I object.

FIRST, SECOND, AND THIRD NATIONAL STEAMSHIP COS.—VETO MESSAGE OF THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 939)

The SPEAKER laid before the House the following veto message from the President of the United States, which was read by the Clerk:

To the House of Representatives:

I return herewith, without my approval, a bill (H. R. 10141) to confer jurisdiction on the Court of Claims to hear and determine the claims of the First, Second, and Third National Steamship Cos., arising out of transactions involving deposits of certain sums of money by the companies with the United States Shipping Board and for reimbursement of expenditures made by the companies for purposes other than the operation of the vessels *Independence*, *Hoxie*, and *Scottsburg*.

The Shipping Board in 1920 delivered three vessels to the claimants, who in turn deposited certain moneys with the Government. Subsequently a dispute arose as to the terms of the agreement, and the vessels were retaken by the Shipping Board. The companies thereupon demanded the return of the deposits. The Shipping Board refused to comply with these demands, and the three companies in 1925 instituted suits in the Court of Claims.

As a result of negotiations between the parties, a compromise agreement was finally reached on October 7, 1935. By its terms the Government paid to the companies the sum of \$250,000 in full settlement of all claims arising out of these transactions. On November 4, 1935, the suits in the Court of Claims and the Government's counterclaims were formally dismissed.

I refrained from approving a bill covering the same subject matter during the Seventy-fourth Congress on the ground that the bill provided for a waiver on the part of the Government of the defenses of *res judicata* and accord and satisfaction.

The bill under consideration differs from the previous measure only in that it does not specifically propose to waive the defenses of *res judicata* and prior settlement. The language in this bill, leaving it for the court to determine whether the payment was "in full payment of the just claims of said companies," may possibly be construed as waiving the defense of accord and satisfaction. The statute of limitations is expressly waived.

The enactment of the bill would permit the companies again to litigate their claims and might deprive the Government of the defense that the claims had been settled by mutual agreement. If the validity and binding force of the settlement is to be disputed by the claimants, the Government should clearly be permitted to raise the defense that the claim has been adjusted.

In view of the fact that the claimants have had their day in court, and that under the terms of this bill the Government might be deprived of the defense of prior settlement, I am constrained to withhold my approval of this measure.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, August 28, 1940.

The SPEAKER. The objections of the President will be spread at large upon the Journal; and, without objection, the message and bill referred to the Committee on Claims and ordered to be printed.

There was no objection.



UNITED STATES DE SOTO EXPOSITION—VETO MESSAGE OF THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 940)

The **SPEAKER** laid before the House the following veto message from the President of the United States, which was read by the Clerk:

*To the House of Representatives:*

I am returning herewith, without my approval, H. R. 9751, "For the creation of the United States De Soto Exposition Commission, to provide for the commemoration of the four hundredth anniversary of the discovery of the Mississippi River by Hernando De Soto, the commemoration of De Soto's visit to the Chickasaw Territory in northern Mississippi, and other points covered by his expedition, and the two hundred and fifth anniversary of the Battle of Ackia, and for other purposes."

The bill establishes a commission, to be known as the United States De Soto Exposition Commission, to assume the functions of the Ackia Battle Memorial Commission established by the act of August 27, 1935; and the De Soto Exposition Commission is required, under the bill, to prepare plans and programs, subject to the approval of the Secretary of the Interior, for commemoration, in the year 1941, of the four hundredth anniversary of the first crossing of the Mississippi River by Hernando De Soto, to be held at Memphis, Tenn., as well as the commemoration of the two hundred and fifth anniversary of the Battle of Ackia, and other features of De Soto's expedition to North America, to be held at such places as the Commission shall determine. The bill also authorizes the Secretary of the Interior to erect a memorial, of such type as he may deem appropriate, to commemorate the history and accomplishments of the Chickasaw Indians. Section 6 of the bill authorizes the appropriation of such sums as the Congress shall determine, for expenditure in such a manner as the Secretary of the Interior shall deem to be advisable, in carrying out the purposes of the act, and makes available to the Commission the unexpended balance of funds appropriated for the use of the Ackia Battle Memorial Commission.

On June 10, 1940, I withheld my approval from House Joint Resolution No. 385, which proposed the establishment of the Greenville Memorial Commission, for the reason that it was evident that the enactment of the resolution would commit the Government to future expenditures, the size of which could not be predicted. While the bill H. R. 9751 does not authorize the appropriation of any specific amount, its approval would, in effect, commit the Federal Government to future expenditures, the amount of which cannot, at this time, be determined. Moreover, it seems to me that the present need for Federal funds in the expansion of the national-defense program should take precedence over expenditures of the character set forth in the bill.

There is also for consideration the fact that, notwithstanding the participation by the Federal Government, to the extent of \$100,000, in the 1939 Pan American Exposition at Tampa, Fla., in commemoration of the four hundredth anniversary of the landing of Hernando De Soto at Tampa Bay, the present bill would permit the De Soto Exposition Commission to plan and supervise an indefinite number of continuing commemorations, a proposal that represents a departure from the established policy of Government participation in a single celebration at a fixed time and place, and with a specific limitation as to the amount of the Federal contribution.

I regret, therefore, that, for the reasons above indicated, I do not feel justified in approving the bill H. R. 9751.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, August 28, 1940.

The **SPEAKER** The objections of the President will be spread at large upon the Journal; and, without objection, the bill and message will be referred to the Committee on the Library and ordered to be printed.

There was no objection.

CREATION OF MOUNTAIN DISTRICT, STATE OF TENNESSEE

Mr. LEWIS of Colorado. Mr. Speaker, I call up House Resolution 530.

The Clerk read as follows:

*Resolved*, That immediately upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of S. 1681, an act to amend section 107 of the Judicial Code to create a mountain district in the State of Tennessee, and for other purposes. That after general debate, which shall be confined to the bill and shall continue not to exceed 1 hour, to be equally divided and controlled by the chairman and the ranking minority member of the Committee on the Judiciary, the bill shall be read for amendments under the 5-minute rule. At the conclusion of the reading of the bill for amendment the Committee shall rise and report the same to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

CALL OF THE HOUSE

Mr. McLEAN. Mr. Speaker, I make the point of order that there is not a quorum present.

The **SPEAKER**. The gentleman from New Jersey makes the point of order that a quorum is not present. Evidently there is no quorum present.

Mr. LEWIS of Colorado. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 200]

Allen, Pa.	Dempsey	Kerr	Rockefeller
Andrews	Dirksen	Kilburn	Routzohn
Arends	Doxey	Kirwan	Rutherford
Arnold	Drewry	Lambertson	Ryan
Barden, N. C.	Duncan	Larrabee	Sacks
Barton, N. Y.	Ellis	Lemke	Sandager
Bates, Mass.	Faddis	Luce	Sasser
Beam	Fay	McDowell	Schaefer, Ill.
Bland	Ferguson	McGranery	Schulte
Bolton	Fernandez	McLeod	Shafer, Mich.
Bradley, Pa.	Fitzpatrick	McMillan, Clara	Sheridan
Brewster	Flaherty	McMillan, John L.	Smith, Conn.
Buckley, N. Y.	Flannagan	Maciejewski	Snyder
Bulwinkle	Flannery	Magnuson	Sparkman
Burch	Ford, Miss.	Marcanonio	Starnes, Ala.
Burgin	Ford, Thomas F.	Martin, Ill.	Sullivan
Byrne, N. Y.	Fries	Martin, Mass.	Sweeney
Byron	Fulmer	May	Thomas, N. J.
Caldwell	Garrett	Merritt	Thorkeison
Cannon, Mo.	Gavagan	Miller	Tolan
Chapman	Gifford	Mitchell	Treadway
Clark	Guyer, Kans.	Mouton	Voorhis, Calif.
Clason	Hall, Edwin A.	Myers	Vreeland
Cluett	Hare	Nelson	Wallgren
Cole, Md.	Harness	Nichols	Ward
Collins	Harrington	Norton	Weaver
Connery	Hart	Pfeifer	White, Ohio
Cooley	Hawks	Pierce	Wigglesworth
Corbett	Hope	Randolph	Winter
Crowe	Jacobsen	Reece, Tenn.	Woodrum, Va.
Culkin	Jones, Tex.	Reed, N. Y.	
Darrow	Kelly	Richards	
Delaney	Kennedy, Michael	Risk	

The **SPEAKER**. Three hundred and one Members are present, a quorum.

By unanimous consent further proceedings under the call were dispensed with.

Mr. BOLAND. Mr. Speaker, I ask unanimous consent to address the House for one-half minute to make an announcement.

The **SPEAKER**. Without objection, it is so ordered.

There was no objection.

Mr. BOLAND. I wish to announce to the House that the members of the Military Affairs Committee were unable to answer this roll call because of the fact they are in session on a very important matter.

SECOND REVENUE ACT OF 1940

Mr. SABATH, from the Committee on Rules, submitted the following privileged resolution (Rept. No. 2893), which was referred to the House Calendar and ordered to be printed:

House Resolution 533

*Resolved*, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee

of the Whole House on the state of the Union for the consideration of H. R. 10413, a bill to provide revenue, and for other purposes, and all points of order against said bill are hereby waived. That after general debate, which shall be confined to the bill and shall continue not to exceed 2 hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means, the bill shall be considered as having been read for amendment. No amendment shall be in order to said bill except amendments offered by direction of the Committee on Ways and Means, and said amendments shall be in order, any rule of the House to the contrary notwithstanding. Amendments offered by direction of the Committee on Ways and Means may be offered to any section of the bill at the conclusion of the general debate, but said amendments shall not be subject to amendment. At the conclusion of the consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. DOUGHTON. Mr. Speaker, I ask unanimous consent to have until midnight tonight to file a report from the Committee on Ways and Means on the bill (H. R. 10413) to provide revenue, and for other purposes, and that individual Members may have the same right to file supplemental views.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

#### EXTENSION OF REMARKS

Mr. McGEHEE. Mr. Speaker, I ask unanimous consent to revise and extend my own remarks and to include therein a resolution passed by the American Legion, of Jackson, Miss., on last Sunday, the 25th of August.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. DONDERO. Mr. Speaker, I ask unanimous consent to extend my own remarks in the Appendix of the RECORD, and to include therein an editorial from the Daily Telegram of Adrian, Mich., on the Mackinac Straits Bridge financing.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. KEEFE. Mr. Speaker, I ask unanimous consent to extend my own remarks and to include therein a consolidated statement showing appropriations and expenditure for the Army and the Navy during the fiscal years 1933 to 1941, inclusive.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. GRAHAM. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein a speech made by my colleague the gentleman from Pennsylvania [Mr. GERLACH].

The SPEAKER. Without objection, it is so ordered.

There was no objection.

#### CREATION OF MOUNTAIN DISTRICT, STATE OF TENNESSEE

The SPEAKER. The gentleman from Colorado is recognized for 1 hour.

Mr. LEWIS of Colorado. Mr. Speaker, I yield 30 minutes to the gentleman from Michigan [Mr. MICHENER] and yield myself 2 minutes.

The SPEAKER. The gentleman from Colorado is recognized for 2 minutes.

Mr. LEWIS of Colorado. Mr. Speaker, this resolution (H. Res. 530) is a rule to make in order the consideration of the bill (S. 1681) reported by the Judiciary Committee, being a bill to amend section 107 of the Judicial Code to create a mountain district in the State of Tennessee, and for other purposes.

The bill will be fully explained by the members of the Committee on the Judiciary.

This is an open rule providing for 1 hour of general debate after which, as usual, the bill will be read for amendment under the 5-minute rule.

Mr. Speaker, I reserve the balance of my time and ask the gentleman from Michigan [Mr. MICHENER] if he will use some of his time.

Mr. MICHENER. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, there are in the State of Tennessee today four United States district judges. One of these judges was ap-

pointed in 1938, if my memory serves me correctly. There was a question raised at that time whether or not this additional judge was necessary or needed. There was no particular district that needed another judge. The committee, following a custom which it thought proper, appointed what is known as a "roving" judge. This was a judge for the entire State of Tennessee, with jurisdiction to act within any district. This arrangement has been satisfactory, so far as the committee is advised.

Mr. Speaker, some time ago a bill was introduced to create another district in Tennessee. The result would be that there would be no more judges, but the judge who is now mobile and who can go about and render service anywhere in the State would be assigned to a given territory or a limited district. Then his jurisdiction would be confined to that territory, just the same as any other judge is limited to his territory. The real difference would be that this roving judge would not be mobile, in the first place, and, in the second place—and, in my judgment, the important thing back of this bill—that judge, the roving judge, under this bill would staff his court. He would name a referee in bankruptcy, the clerks, and the other employees that go with a court.

That bill was introduced and reported by a majority of the committee. It came before the Rules Committee and a rule was granted on that bill some time ago; but later on certain members of the Judiciary Committee gave more consideration to the matter. I have been shown a statement from a Tennessee paper made by the chairman of the committee stating he could not support that bill. After that happened an amendment was offered in the committee, on yesterday or the day before. The Judiciary Committee met and considered the amendment to the original bill on which the rule was granted, and that amendment is really what will be considered here today. The amendment that is going to be offered by the committee is different from the bill reported, and on which a rule has been granted, in that it does not create a new district directly. The effect of the bill, however, is to accomplish the same purpose. It does not authorize the appointment of a new clerk and a new staff that would naturally go with a new district. So under this ingenious amendment that is to be offered you will have another district created; you will have the same officers in there who are there now—and I am referring to the office, not the individual. The individuals will be changed. But the power of appointing those officers, or the patronage in the district, will be removed from the senior judge, where it now rests, to this new judge who was appointed in 1938.

We are told that this will cost nothing, that there will be no additional officers added; but it will do this just as sure as I am standing here, and I want you to put a tack in this statement: If the bill goes through, in the next session of Congress you will have legislation to provide this district which we are establishing today with the same district officers as all other districts have, and if the conditions warrant a district and there should be a district there, then there should be a district clerk, a referee, and all the others there.

[Here the gavel fell.]

Mr. MICHENER. Mr. Speaker, I yield myself 3 additional minutes.

Mr. HANCOCK. Will the gentleman yield?

Mr. MICHENER. I yield to the gentleman from New York.

Mr. HANCOCK. The bill makes a temporary judge permanent, does it not?

Mr. MICHENER. Yes. The gentleman from New York, a member of the committee, has called attention to the fact that this roving judge was appointed to take up the slack where needed and is a temporary judge. The office was not to be made permanent. It was never so intended. When his time expired there was not to be another judge appointed in his place without the Congress taking action. This ingenious bill here would make that temporary judge a permanent judge and give him a district, the very thing the committee decided after careful deliberation should not be done in 1938. The business in that district since that time



does not in any way, shape, or manner warrant this permanent judge.

This bill does something else. A letter was written by the gentleman who introduced the bill to the Attorney General. You will find the Attorney General's reply in the supplemental report filed yesterday. This bill does some unusual things. Under the law in every district in the United States today the court names the clerk. The clerk names his deputy clerks. But, if this bill goes through, this new judge would be authorized to name the staff, and in addition to that he will be authorized to name the deputy clerks. The Attorney General calls attention to the fact that he does not want to recommend it. He is not so strong for it. He is not as brave, when it comes to patronage, as some people are here just before an election. He says, however, that if the Congress wants to adopt such a thing as a policy he will not object, because he is not the policy-making part of the Government. He is the Attorney General of the United States. He is appointed, and he states that in his judgment this should not be done.

[Here the gavel fell.]

Mr. LEWIS of Colorado. Mr. Speaker, I yield 5 minutes to the gentleman from Texas [Mr. SUMNERS], chairman of the Committee on the Judiciary.

Mr. SUMNERS of Texas. Mr. Speaker, I believe there is some confusion in the minds of Members of the House with reference to what is proposed to be done by this bill. The gentleman from Michigan [Mr. MICHENER] stated correctly the preliminary steps taken with reference to this proposed legislation. The amendment that will be submitted will do what could have been done by the creation of a new district. It will avoid the expense of a marshal, the expense of a district attorney, and it will locate this roving judge. It will move one division from the central district of Tennessee into the eastern district of Tennessee. It will put two judges in the eastern district of Tennessee instead of creating a new district. It will also give to this new judge the right when he is located to designate the officials to serve in his court, that is all; and and is why my Republican friends here are disturbed. That is what they do not like. They want the senior judge, located not in this place where the new judge is located, to name the officials who serve in this junior judge's court. That is what is the matter with them.

The issue is clear. You will see them lining up on that The Attorney General favors the amendment which will be offered. The judge is there in Tennessee, the business is there, we are doing the common-sense thing by locating this judge, giving him definite jurisdiction and giving him control over the people who serve in his court. Now, why is that not right? Why do they insist that a judge who is not located there and who does not have primary responsibility should name the officials of the court where this judge is to be located? That is the chief thing in this controversy with regard to this bill. [Applause.]

Mr. MICHENER. Mr. Speaker, I yield 15 minutes to the gentleman from Wisconsin [Mr. JOHNS], who formerly, I believe, was from Tennessee.

Mr. JOHNS. Mr. Speaker, I became interested in this bill because of my love for a former Member of this House, Judge McReynolds. I do not believe I would have taken any interest in this proceeding at all except that I found that for several years back, as early as 1937, they were trying to get a bill through the Senate to create this district in Tennessee. Judge McReynolds during his whole lifetime was opposed to this because, he said, they did not need an extra judge or extra district down in Tennessee.

Mr. MICHENER. Mr. Speaker, will the gentleman yield?

Mr. JOHNS. I yield to the gentleman from Michigan.

Mr. MICHENER. Is it not correct that Judge McReynolds was a former Member of the House and chairman of the Committee on Foreign Affairs, and represented the district now represented by the gentleman from Tennessee [Mr. KEFAUVER]?

Mr. JOHNS. That is correct.

#### CALL OF THE HOUSE

Mr. BALL. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. LEWIS of Colorado. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 201]

Allen, Pa.	Darrow	Johnson, Ind.	Randolph
Arnold	Delaney	Jones, Tex.	Reece, Tenn.
Barden, N. C.	Dempsey	Kelly	Richards
Barton, N. Y.	Dies	Kennedy, Michael	Risk
Bates, Mass.	Dirksen	Kerr	Routzohn
Beam	Ditter	Kilburn	Sacks
Bland	Doxey	Kirwan	Sandager
Bolton	Drewry	Lambertson	Sasser
Bradley, Pa.	Durham	Larrabee	Schaefer, Ill.
Brewster	Faddis	Lenke	Shafer, Mich.
Buckley, N. Y.	Fay	Luce	Sheridan
Bulwinkle	Ferguson	Lynch	Smith, Va.
Burch	Fernandez	McDowell	Smith, Wash.
Burgin	Fitzpatrick	McGranery	Smith, W. Va.
Byrne, N. Y.	Flaherty	McMillan, Clara	Snyder
Caldwell	Flannagan	McMillan, John L.	Starnes, Ala.
Carter	Flannery	Maclejewski	Sullivan
Casey, Mass.	Folger	Marcanonio	Sweeney
Celler	Ford, Miss.	Martin, Ill.	Thomas, N. J.
Chapman	Ford, Thomas F.	Martin, Mass.	Tinkham
Clark	Fulmer	Mason	Tolan
Cluett	Garrett	Merritt	Treadway
Cole, Md.	Gavagan	Miller	Vreeland
Collins	Gifford	Mills, La.	Ward
Connelly	Guyer, Kans.	Murdock, Utah	White, Idaho
Cooley	Hall, Edwin A.	Nelson	White, Ohio
Corbett	Hare	Nichols	Wigglesworth
Culkin	Hendricks	Norton	Winter
Cummings	Hope	Parsons	Wood
Darden, Va.	Jeffries	Pfeifer	Woodrum, Va.

The SPEAKER pro tempore [Mr. Hook]. Three hundred and nine Members have answered to their names. A quorum is present.

On motion of Mr. LEWIS of Colorado, further proceedings under the call were dispensed with.

#### CREATION OF MOUNTAIN DISTRICT, STATE OF TENNESSEE

Mr. JOHNS. Mr. Speaker, as I stated a few moments ago when the call of the House was ordered, I rose to speak here at this time principally because of my great friendship and love for Judge McReynolds, the Congressman who served this district so ably for so many years. From the time this movement was started in the Senate to create this district, Judge McReynolds has opposed it. Judge McReynolds, perhaps better than anyone else, knew whether or not they need a judicial circuit down in Tennessee in addition to what they have. He was on the bench there for 20 years, and he served here in Congress, of course, for many years.

On March 31, 1937, Judge McReynolds was quoted in the Chattanooga Times as follows:

Commenting on the proposal to create a new Federal judicial district in this part of the State, Congressman Sam D. McReynolds said last night, "There is no need for a new district or a new judge."

When the bill was finally passed in May 1938 creating these new districts there was just one district where there was a limitation placed on the powers of the judge, and that was in Tennessee. That act provided one district judge for each of certain combinations of districts, and then stated:

Eastern and Middle Districts of Tennessee: *Provided*, That no successor shall be appointed to be judge for the Eastern and Middle Districts of Tennessee.

I have been informed that this bill has not been approved by the Bureau of the Budget, and there will be no appropriation for it. Of course, the amendment presented this afternoon, which dispenses temporarily with the appointment of additional officers of the court, would probably overcome that objection, but this is only temporary. As soon as you get another permanent judge down in Tennessee, you will have to have another set of officers as soon as the next Congress may create it.

Something was said here this afternoon about this new judge's appointing new officials. Of course, he might appoint the same officials, but the chances are that he would not and that he would displace the experienced men who are there in favor of others. The Attorney General does not approve of this, but he says he has no objection to it if the Congress of the United States sees fit to create this district and make a new permanent judge and establish that policy. Then it is all right with him.

Mr. PATRICK. Mr. Speaker, will the gentleman yield?

Mr. JOHNS. I yield to the gentleman from Alabama.

Mr. PATRICK. As I understood, this is not a bill to create a new judgeship, but is merely to assign a judge whose position has already been created.

Mr. JOHNS. That is right. This is to be made a permanent judgeship, however. This other man was just appointed as an extra judge; that is all.

Mr. KEFAUVER. Mr. Speaker, will the gentleman yield?

Mr. JOHNS. I yield to the gentleman from Tennessee.

Mr. KEFAUVER. The gentleman is speaking about Judge McReynolds. Does the gentleman know that Judge McReynolds himself introduced a bill to create a permanent judgeship in Tennessee in this section?

Mr. JOHNS. When?

Mr. KEFAUVER. On January 14, 1938. I have the bill here, if the gentleman wants to see it.

Mr. JOHNS. Is that a companion bill to the one that was introduced over in the Senate?

Mr. KEFAUVER. No; I do not believe it was.

Mr. JOHNS. That is when one was introduced over in the Senate, and it is probably a companion bill. The limitation was placed in it that no successor shall be appointed to be judge for the Eastern and Middle Districts of Tennessee.

Mr. KEFAUVER. There is no limitation placed in the bill that Judge McReynolds introduced in the House, and I have the bill here if the gentleman wants to see it.

Mr. JOHNS. That is what this bill here provided for, on May 31, 1938. That is a later bill.

Mr. KEFAUVER. I do not want the gentleman to misrepresent what Judge McReynolds thought about it, because here is a bill that shows what he thought about it.

Mr. JOHNS. I am only quoting from the language of the Record at that time. Of course, assuming that we would want to create another district down there, we have a roving judge.

I do not know whether you appreciate it or the Members of this House appreciate it, but here is a district of Tennessee with approximately less than 3,000,000 people. There are only two other States in the Union that have four judges. One of them is Texas and the other is New York. There are seven States that have three judicial districts of which Tennessee is one. Sixteen States have 2 Federal judicial districts and 23 States have only 1 judicial district. For example, California, Indiana, Iowa, Kentucky, Louisiana, Michigan, Missouri, Ohio, and Wisconsin have only two judicial districts, while such States as Connecticut, Kansas, Maryland, Massachusetts, Minnesota, Nebraska, and New Jersey have only one judicial district. Wisconsin has over 3,000,000 inhabitants and there is one district in Wisconsin that has over 2,000,000 inhabitants, while with this new district down in Tennessee the population would be something in the neighborhood of 400,000 people in this new district.

There is no necessity, of course, for creating a permanent judgeship there. This judge who is a roving judge now can be called to any district to try cases and there is no use providing another permanent one and later on having to add about \$40,000 a year for extra help for this judge.

If every district judge in the United States should have a district created for him it would cost the Federal Government \$4,300,000 additional expense, and if you treated the other States the same as you are seeking here to treat the State of Tennessee it would mean the creation of 86 new districts at a cost of \$4,300,000 of additional expense. If a new judicial district is created for every 400,000 people, as would be the case here in Tennessee, there would be 425 judicial districts

in existence instead of 79, or 346 additional Federal judicial districts that would be created in order to do justice to the remainder of the country.

For these reasons I am opposed to the creation of a permanent judge down there. You have one there now who is performing his duties and the only purpose of this bill is to make this a permanent judgeship so you can create some new appointments for this judge and add to the expense of the Government later on by about \$40,000 a year. I am opposed to it because Judge McReynolds showed in the Record that he was opposed to it up until the time of his death. I do not know anything about the bill referred to by the gentleman from Tennessee [Mr. KEFAUVER] and, so far as I know, he has been opposed to it all along. The bar of the district down there has always opposed it. They do not think it is necessary. The sixth judicial district is opposed to it and they do not feel it is necessary. I do not know anybody who wants it except the judge himself might want it made permanent.

Mr. KEFAUVER. Mr. Speaker, will the gentleman yield?

Mr. JOHNS. I yield.

Mr. KEFAUVER. Does the gentleman know that the bar passed a resolution asking for this legislation, or rather for a district court?

Mr. JOHNS. When did they pass that resolution?

Mr. KEFAUVER. The resolution was passed about 3 years ago, and I have the resolution and I have a letter from the president of the bar association urging the passage of this legislation, and likewise I have letters and telegrams from all the other bar associations in that section.

Mr. JOHNS. This information was furnished me by a member of the bar of Chattanooga, Tenn., for whom I have great respect, and I do not think he would try to mislead anyone, and I would want to see the resolution that the gentleman has, if he has one showing that they approved it, because this gentleman wrote to me that he was opposed to this bill and did not think it was necessary. He also stated that he did not think the bill creating this man a permanent judge was necessary, but that as long as it had been done and he is a roving judge, he might still remain so, but that they do not need to create another or an additional judgeship.

Mr. Speaker, I yield back the balance of my time.

Mr. MICHENER. Mr. Speaker, I yield 9 minutes to the gentleman from Tennessee [Mr. JENNINGS].

Mr. JENNINGS. Mr. Speaker, this bill originally provided for the creation of what is known as the mountain district in Tennessee. At the time it was introduced Judge Darr had been appointed to fill the position of roving judge. He was appointed on the idea that there was a temporary congestion in the dockets in the courts of the eastern and middle districts of Tennessee. It was not a permanent office, and when he passed out then the office expired.

This bill as originally introduced creating this mountain district came under the ban of the opposition of the distinguished chairman of the Judiciary Committee, who stated he could not support it because it was not necessary. I listened with a good deal of interest to the statement of the distinguished and beloved chairman of the Judiciary Committee, who said that certain of his Republican friends were distressed because if this substitute for that bill was adopted the Democratic judge would throw out some Republican officeholders and put in some Democrats. Now, Mr. Speaker, I have been a judge and I have seen the time in Tennessee when, in order to obtain a free and untrammelled judiciary, I, as a Republican, supported Democrats for judgeships, and I have done it many times, and I will do it again if it is necessary to keep the judiciary out of politics. [Applause.]

Now, let us see what is attempted to be done here. This amendment does by indirection what the original bill sought to do directly; that is to say, it makes this temporary judge a permanent judge, so that no matter how light the docket becomes there still will be a judge there filling this position.

In addition to that it, in effect, according to the letter of the Attorney General, creates a new judicial district in Tennessee, thereby having as many judicial districts in Ten-



nessee as exist in the great State of New York and in the State of Texas.

It is said that the coming of governmental agencies down there has created a volume of business in these courts. I know that is not true. Something has been said about the T. V. A. creating litigation. All the litigation that has ever arisen in the Federal courts as a result of the T. V. A. coming to Tennessee has consisted in condemnation suits, which never go before a district judge. Those suits are filed, and they automatically go before three commissioners, who go on the land, look at it, hear testimony, and fix its value. Then, if either the T. V. A. or the landowner is dissatisfied with the finding of those commissioners, an appeal lies to a three-judge court. So there is no increase in litigation as the result of the coming of any Federal agency.

I have looked at the dockets—certified copies of the dockets of the Federal court at Chattanooga and Winchester—and there is not enough business there to keep this new judge busy 60 days in the year.

Mr. McLAUGHLIN. Mr. Speaker, will the gentleman yield?

Mr. JENNINGS. I yield.

Mr. McLAUGHLIN. Is the gentleman aware of the fact that in the report of the judicial conference of 1939 the following words appear:

It appears that in the following districts where dockets are reported to be current a year ago there is now congestion to greater or less degree.

Under that statement is listed the middle district of Tennessee.

Mr. JENNINGS. Yes; but I know from personal investigation that there is no congestion down there. There is not enough work down there to keep that judge busy 60 days in the year.

Mr. McLAUGHLIN. Will the gentleman yield further?

Mr. JENNINGS. No; not any further.

Mr. MICHENER. Will the gentleman just yield briefly?

Mr. JENNINGS. I yield to the gentleman.

Mr. MICHENER. The testimony before the committee in the first place was that there was not enough business in the new district proposed for 30 days a year, not 60 days. That is the bill which Judge Sumners would not support.

Mr. McLAUGHLIN. Will the gentleman yield now?

Mr. JENNINGS. No; I do not yield further. The gentleman from Michigan is right about that. I just wanted to have a good margin. [Laughter and applause.] If this judge becomes a permanent judgeship and this amendment becomes law, we will have four United States district judges in Tennessee. This judge is an excellent gentleman. We will not only have to have clerks and referees but district attorneys and marshals, and you will have to buy spurs for those judges and other officials to keep their feet from sliding off the desks. [Laughter and applause.]

In addition to that, let me call your attention to this: In the eastern district of Tennessee under this proposed amendment there will be 24 counties in that district. But there will be only 17 counties in this mountain district. There is only one of those counties that has any considerable business, and that is Hamilton County in which Chattanooga is located. In the middle district there are 33 counties and in the western district 21.

So you see, this mountain district is just a little district down there for the purpose of creating offices.

Now, I want to be absolutely frank about this matter. I like to see good things come to Tennessee. I expect if you create four or five or six judicial districts in Tennessee there are eminent and splendid lawyers who would willingly and graciously accept a Federal judgeship in Tennessee. It grieves me to have to oppose this measure which brings more judges and more officials to Tennessee, but I conceive it to be my duty as a Member of this House to oppose any such unnecessary increase and expense to the taxpayers.

Mr. ROBSION of Kentucky. Will the gentleman yield?

Mr. JENNINGS. I yield.

Mr. ROBSION of Kentucky. Kentucky has a greater population than Tennessee. It has more court business than Tennessee. It has only two districts and an additional roving judge. Why should there be four districts in Tennessee?

Mr. JENNINGS. There is no reason under the sun, except the insatiate desire for public office on the part of some people, who are like the old man of the sea, and the fisherman's wife who kept calling for more and more and more. [Laughter.]

Mr. SHORT. Mr. Speaker, will the gentleman yield?

Mr. JENNINGS. I yield.

Mr. SHORT. Do I understand if this measure passes, Tennessee will have more judges than the great States of Pennsylvania, or Ohio, or Michigan, or Missouri, or California?

Mr. JENNINGS. More judicial districts and more judges than any other State in the Union of like population.

Mr. SHORT. Does the gentleman think it is necessary for national defense? [Laughter.]

Mr. JENNINGS. Oh, it is not necessary at all. We do not need it.

Now, let me call attention to something else. The original act creates this temporary judgeship, but under this amendment, if it becomes law, the temporary judge will become a permanent judge, with a successor to be appointed. It actually goes to the length of empowering this district judge to appoint a deputy clerk at Chattanooga. Just think of it! Under the guise of a general statute, in order to grab off a little piece of patronage pie you give a district judge the right to appoint a deputy clerk.

This rule ought to be defeated. [Applause.]

[Here the gavel fell.]

Mr. LEWIS of Colorado. Mr. Speaker, in view of the fact that there seems to be some misunderstanding as to just exactly what this bill does, I ask unanimous consent to include in my remarks the supplemental report on this bill filed August 27, 1940.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

The matter referred to follows:

The above bill, after having been reported on June 4, 1940, has been further considered by the Committee on the Judiciary and a substitute amendment has been agreed to by the committee, to strike out all after the enacting clause and insert new provisions, hereinafter discussed.

The bill S. 1681 proposed to take the southern division of the eastern district and the Winchester (southern) division of the middle district from those districts and make them into the mountain district of Tennessee. The roving judge provided for the eastern and middle districts under the authority of the act approved May 31, 1938 (52 Stat. 584), would be the judge of such new district court.

There has not been a new Federal judicial district created since April 21, 1928, although a number of additional judges have been provided from time to time as the need appeared. Some objection has therefore been made to the creation of the new district, the mountain district of Tennessee. The proponents of the bill have offered the substitute amendment which has been approved by the committee.

Under the substitute amendment instead of creating a new district, Van Buren County will be transferred from the northeastern division of the middle district to the Winchester division of the middle district and the Winchester division so constituted will be transferred from the middle district to the eastern district of Tennessee.

The roving judge, with headquarters at Chattanooga, appointed pursuant to the act referred to above, is given authority and jurisdiction over the Winchester division and the southern division of the eastern district, and becomes a district judge for the eastern district of Tennessee. This judge is given authority to appoint officials serving his court. He is constituted as a permanent judge, and your committee feel that it is both reasonable and expedient to so equitably divide the work between the four judges of Tennessee and confer definite authority or jurisdiction upon the roving judge.

Concerning the transfer of Van Buren County to the Winchester division, that county is a small, mountainous county of about 6,000 population, situated nearer to Winchester than Cookeville in distance, and because of recently constructed highways is generally recognized as properly belonging in the Winchester division.

James County is eliminated from the southern (Chattanooga) division of the eastern district. James County was merged with

Hamilton County some years ago and is no longer a county, and there appears no reason for continuing to carry it as a county within such division.

While the adoption of S. 1681 as originally reported would have entailed some expense, the adoption of the substitute does not, as no additional employees or officers are provided for, no additional judge is necessary, and no new facilities for holding court will be necessary as such facilities already exist.

#### DEPARTMENTAL OPINION

Following is a letter from the Attorney General concerning the proposed amendment. The minor objections regarding appointment of deputy clerks and the provision concerning venue, referred to by the Attorney General, have been corrected.

AUGUST 20, 1940.

Hon. ESTES KEFAUVER,

*House of Representatives, Washington, D. C.*

MY DEAR MR. CONGRESSMAN: This acknowledges your letter of August 16, with which you enclosed a proposed amendment in the nature of a substitute for the bill (S. 1681) entitled "An act to amend section 107 of the Judicial Code to create a mountain district in the State of Tennessee."

Under existing law (U. S. C., title 28, sec. 183) the State of Tennessee is divided into three districts, known, respectively, as the eastern, western, and middle districts of Tennessee. There is one district judge in each district, and in addition there is a fourth judge who is a judge for the eastern and middle districts. The proposed substitute would designate specific terms of court in the eastern and middle districts of the State to be held by the last-mentioned judge, and other terms in the eastern and western districts to be held by the judges for such districts, respectively.

This appears to be a desirable arrangement, since it would assign specific duties to the district judge for the eastern and middle districts and at the same time leave him available for service elsewhere in the districts, if such a course appears desirable. Provisions of the same type are found in the law regulating the duties of the district judge for the northern and southern districts of West Virginia (U. S. C., title 28, sec. 194).

The existing law provides that no successor shall be appointed to the judge for the eastern and middle districts of Tennessee (U. S. C., title 28, sec. 4w). The proposed amendment would repeal such limitation. No reason appears why this should not be done, since the creation of the fourth judicial position as a permanent office was recommended by the Judicial Conference and by this Department.

I find no objection to the adoption of the amendment to the bill in the nature of a substitute, or to the enactment of the bill as amended.

I desire to call your attention in this connection to some provisions of minor importance. The amendment would authorize the district judges to appoint the various court officials, enumerating such officials. Deputy clerks are so enumerated. Under existing law, deputy clerks are appointed by the clerk (U. S. C., title 28, sec. 7). On the other hand, I find no objection to the proposed change in that regard, if it appears desirable to the Congress.

The second sentence of section 2 (a) of the proposed amendment contains a provision that for the purpose of determining jurisdiction and venue the southern division of the eastern, and the Winchester division of the middle districts shall be considered a separate and distinct judicial district. This seems hardly necessary in order to carry out the objective of the legislation, and yet may possibly constitute a source of confusion for litigants and members of the bar. In this connection, I desire to refer to a conference between you and Mr. Alexander Holtzoff, of this Department, in which you suggested the possibility of transferring the Winchester division of the middle district to the eastern district. I find no objection to such a course, if it will serve the convenience of the bar and litigants.

With kind regards,  
Sincerely yours,

MATTHEW F. MCGUIRE,  
*Acting Attorney General.*

Mr. LEWIS of Colorado. Mr. Speaker, I yield 10 minutes to the gentleman from Tennessee [Mr. KEFAUVER].

Mr. KEFAUVER. Mr. Speaker, I am extremely sorry that members of the minority party have seen fit to try to draw a red herring in front of this bill which deals with a local situation that needs to be corrected in the section of the country affected, a district in which not one of the Members who has spoken has ever practiced law or maintained a law office except the gentleman from Wisconsin [Mr. JOHNS], and that was 25 years ago or longer, I believe. I personally have practiced law in the eastern and middle district courts of Tennessee for 13 years and am personally familiar with the situation.

Let me say in the first place that I have telegrams, recommendations, and resolutions from the bar associations of most every sizable town in the section affected approving the making permanent of this judgeship and locating this judge in a particular jurisdiction. I am mighty sorry that in a discussion of this kind it is necessary to mention, as some of

my colleagues have seen fit to mention, the opinions of departed Members, but a very beloved late Member of this House has been mentioned in this connection. This was Judge McReynolds, one of the most influential Members of the House—a man highly respected and admired in his district and State—my close personal friend. The truth is that Judge McReynolds was for a permanent court there and wished to give a judge permanent and fixed jurisdiction down in that section. His attitude cannot be better stated than to introduce here and to show anybody who wants to see it, a bill that Judge McReynolds filed on January 14, 1938 (H. R. 8971), which provided for the location of a permanent judge at Chattanooga in this very section we are talking about.

Mr. MICHENER. Mr. Speaker, will the gentleman yield?

Mr. KEFAUVER. I yield.

Mr. MICHENER. There is no question but what the gentleman from Tennessee, Mr. McReynolds, did introduce a bill, but did he appear before the committee and urge the creation of this judgeship or say that he would be for it unless the judge was made temporary? It was one of those bills introduced for a bar association.

Mr. KEFAUVER. I may say in answer to the gentleman from Michigan that I have copies of letters that Judge McReynolds wrote Judge Howell, of Nashville, and Mr. George Armistead, president of the Tennessee Bar Association at that time. In the letter to Mr. Armistead he stated:

I have heretofore been in favor of creating another court with its headquarters at Chattanooga, but it is impossible. After talking to Mr. CHANDLER, of the Judiciary Committee, a Member of Congress from our State, I concluded to introduce a bill providing for the appointment of another judge for eastern and middle Tennessee, evidently one that is badly needed.

Every letter I have here where he has written about it he has recommended a permanent judgeship in this section.

I think some Members on the minority side may know and have a very high respect for the clerk of Judge McReynolds' committee, Mr. Ike Barnes. I have a letter here from Mr. Barnes in which he said—and he has told me personally—that the judge favored this, and that if he were living he would be here today working for it.

Mr. JOHNS. Mr. Speaker, will the gentleman yield?

Mr. KEFAUVER. I yield.

Mr. JOHNS. Who is responsible for the proviso in the present act that this is to be a roving judge?

Mr. KEFAUVER. I may say to the gentleman from Wisconsin that in all the judgeships created back at that time, some 37 of them, I think, that provision was put in generally, as a matter of course.

Mr. JOHNS. Is it not a fact that there was no such provision except the one for Tennessee?

Mr. KEFAUVER. I think it was in most of the bills creating judgeships about that time.

Mr. JOHNS. The gentleman means in May 1938?

Mr. KEFAUVER. I think that is correct. Now, if I may continue for just a minute, I think we must look at the picture in Tennessee to see what the situation is.

Tennessee, as all of you know, has had four separate and distinct districts and large cities. All of these cities are more than 120,000 in population, and they are located in separate and distinct parts of the State. Memphis is in the southwestern part of Tennessee, Nashville is in the north-middle section, Knoxville in the northeastern section, and Chattanooga is in the southeastern section. We have three judicial districts and have had since 1880. Memphis is the headquarters of the western district, Nashville of the middle district, and Knoxville of the central district.

Mr. TABER. Mr. Speaker, will the gentleman yield for a question?

Mr. KEFAUVER. I yield.

Mr. TABER. Could the gentleman tell us the present status of the court cases in these three districts?

Mr. KEFAUVER. I have the record here to show that the judges in the eastern district, taking the average of all the judges in Tennessee, try and dispose of more cases as an average than other judges throughout the United States on an average.



Mr. TABER. How many?

Mr. KEFAUVER. I think that ought to come later when we are discussing the details of the bill, and I will take it up at that time.

Back in the early 1930's there was a terrific congestion of the dockets down at Chattanooga and Nashville, and also to some extent in middle Tennessee. You could not get some cases tried for 2 or 3 years. Sometimes when you got a judge to try the cases he would take them under advisement for 2 or 3 years, so that the lawyers were unhappy and the litigants were unhappy. At that time the bar associations down in our section and in the Chattanooga section recommended the creation of a mountain district, the purpose of which was to take the Winchester division out of the middle district and put it in the mountain district along with the Chattanooga division and have a judge there in charge of that particular jurisdiction. This was not possible. A roving judge was created. This roving judge would first be in middle Tennessee, then he would be in east Tennessee. He has no status and he has no particular jurisdiction.

In Chattanooga we might have one session in which one judge would act on a demurrer or a pleading and in the next session the other judge would come down and take up the case where the first one left off. This was very unsatisfactory to the members of the bar and to litigants. While the situation has been remedied to a great extent, the bar associations, the lawyers, the litigants, and most everybody wanted the judge in that section to have a definite jurisdiction. They wanted him to be there so that when an injunction or some other extraordinary process came up for issuance they could find him and have it acted upon.

I want to say another thing and I am sorry I have to say it. We ran into a situation where the judge of the eastern district of Tennessee, who was in Knoxville—a very fine, eminent man, a splendid jurist, and I will not say anything against his ability or personal character—would try a very important case and then take it under advisement. He was so busy and overworked that the next time you would hear from some of the cases would be a year or so later. Some of these cases involved \$100,000, \$500,000, or more. Please do not understand that I mean to personally criticize this judge who is my personal friend.

[Here the gavel fell.]

Mr. LEWIS of Colorado. Mr. Speaker, I yield the gentleman 2 additional minutes.

Mr. KEFAUVER. Mr. Speaker, what is now proposed is simply to take the Winchester division of the middle district, and Winchester is in or close to the Chattanooga trade area, and place the Winchester division of the middle district in the eastern district and give this judge who will decide the cases and who will dispense with the litigation primary jurisdiction in those two divisions. Winchester and the counties composing that division are in or near to the Chattanooga trade area and the bar associations in that section have expressed a willingness to be associated with the Chattanooga division. This does not call for the appointment of an additional officer. It does not call for the expenditure of one dime of additional money. We already have the quarters there and all we want to do is to have the judge there where he can hold court, where we will know who will hold court, where he can go into a case at the beginning and carry it through to a conclusion.

Mr. HANCOCK. Will the gentleman yield?

Mr. KEFAUVER. I yield to the gentleman from New York.

Mr. HANCOCK. What is there to prevent this roving judge from making his headquarters in Chattanooga and transacting this business under the present arrangement?

Mr. KEFAUVER. The jurisdiction and the right to hold court there is vested in the district judge of the eastern district and not in this judge. He has no status as to the particular places he is to hold court fixed by law.

Mr. HANCOCK. He can be assigned to hold court in Chattanooga, can he not?

Mr. KEFAUVER. It has not been fixed by law so we can be sure it will be that way.

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Mr. GORE. Will the gentleman yield?

Mr. KEFAUVER. I yield to the gentleman from Tennessee.

Mr. GORE. Under the arrangement of this bill the judge who will have primary jurisdiction would be the most recently appointed judge?

Mr. KEFAUVER. That is correct.

Mr. GORE. I want to say to the House he is a splendid judge. The Winchester area would be delighted to have this primary jurisdiction established so that litigants and counsel will know to which judge to go to make their pleas.

Mr. KEFAUVER. I thank the gentleman. I may say to the Members present that these counties in the Winchester division and the Chattanooga division, with one exception, are all in the district represented by Mr. Gore and in my district; so I think the two of us are in a position to know what the situation is.

Mr. Speaker, I am only interested in getting a situation straightened out down there. We want a judge who is going to be there all the time and who is going to try our cases. We do not want to have a case under one judge one term and under another judge the next term. I think this is a very meritorious bill. [Applause.]

[Here the gavel fell.]

Mr. LEWIS of Colorado. Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the resolution.

The question was taken; and on a division (demanded by Mr. HANCOCK), there were—ayes 57, noes 59.

Mr. KEFAUVER. Mr. Speaker, I object to the vote on the ground a quorum is not present.

The SPEAKER. Evidently there is not a quorum present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify the absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 166, nays 134, not voting 129, as follows:

[Roll No. 202]

YEAS—166

Allen, La.	Doughton	Kocalkowski	Rayburn
Anderson, Mo.	Duncan	Kramer	Robertson
Barnes	Dunn	Lanham	Robinson, Utah
Barry	Eberharter	Leavy	Rogers, Okla.
Beckworth	Edelstein	Lesinski	Romjue
Bell	Edmiston	Lewis, Colo.	Sasser
Bloom	Ellis	Lynch	Satterfield
Boehne	Faddis	McAndrews	Schuetz
Boland	Flannagan	McArdle	Schulte
Boren	Fries	McCormack	Schwert
Brooks	Gathings	McKeough	Scrugham
Brown, Ga.	Geyer, Calif.	McLaughlin	Secrest
Bryson	Gore	Mahon	Shanley
Buckler, Minn.	Gossett	Maloney	Shannon
Byrns, Tenn.	Grant, Ala.	Mansfield	Smith, Conn.
Byron	Green	May	Smith, Ill.
Camp	Gregory	Mills, Ark.	Smith, Va.
Cannon, Fla.	Griffith	Mills, La.	Smith, Wash.
Cannon, Mo.	Harrington	Mitchell	Smith, W. Va.
Cartwright	Harter, Ohio	Monroney	Snyder
Casey, Mass.	Havener	Moser	Somers, N. Y.
Claypool	Healey	Mouton	South
Cochran	Hennings	Myers	Sparkman
Coffee, Nebr.	Hill	Norrell	Spence
Coffee, Wash.	Hobbs	O'Connor	Steagall
Colmer	Hook	O'Day	Summers, Tex.
Cooper	Houston	O'Leary	Sutphin
Costello	Hunter	O'Neal	Tarver
Courtney	Izac	O'Toole	Tenerowicz
Cox	Jacobsen	Pace	Terry
Cravens	Jarman	Parsons	Thomas, Tex.
Creal	Johnson, Luther A.	Patman	Thomason
Crosser	Johnson, Lyndon	Patrick	Vinson, Ga.
Crowe	Johnson, W. Va.	Patton	Walter
Cullen	Kee	Pearson	Weaver
D'Alesandro	Kefauver	Peterson, Fla.	West
Darden, Va.	Keller	Peterson, Ga.	Whelchel
Davis	Kennedy, Martin	Pierce	Whittington
DeRouen	Kennedy, Md.	Poage	Williams, Mo.
Dickstein	Keogh	Rabaut	Zimmerman
Dingell	Kilday	Ramspeck	
Disney	Kleberg	Rankin	

NAYS—134

Alexander	Andresen, A. H.	Austin	Bolles
Allen, Ill.	Andrews	Ball	Bradley, Mich.
Anderson, H. Carl	Angell	Bender	Brown, Ohio
Anderson, Calif.	Arends	Blackney	Carlson

Case, S. Dak.	Gwynne	Lewis, Ohio	Schafer, Wis.
Chipfield	Hall, Leonard W.	Ludlow	Schiffler
Church	Halleck	McDowell	Secombe
Clason	Hancock	McGregor	Short
Clevenger	Harness	McLean	Smith, Maine
Cole, N. Y.	Harter, N. Y.	Maas	Smith, Ohio
Crawford	Hartley	Marshall	Springer
Crowther	Hawks	Martin, Iowa	Stearns, N. H.
Curtis	Hess	Mason	Stefan
Ditter	Hinshaw	Michener	Sumner, Ill.
Dondero	Hoffman	Monkiewicz	Sweet
Douglas	Holmes	Mott	Taber
Dworshak	Horton	Mundt	Talle
Eaton	Hull	Murray	Thill
Elston	Jarrett	O'Brien	Thorkelson
Engel	Jenkins, Ohio	Oliver	Tibbott
Englebright	Jenks, N. H.	Osmers	Tinkham
Fenton	Jennings	Pittenger	Van Zandt
Fish	Jensen	Plumley	Vincent, Ky.
Gamble	Johns	Powers	Vorys, Ohio
Gartner	Johnson, Ill.	Reed, Ill.	Welch
Gearhart	Jones, Ohio	Reed, N. Y.	Wheat
Gehrmann	Jonkman	Rees, Kans.	Williams, Del.
Gerlach	Kean	Rich	Wolfcott
Gilchrist	Keefe	Robison, Ky.	Wolfenden, Pa.
Gillie	Kinzer	Rockefeller	Wolverton, N. J.
Goodwin	Knutson	Rodgers, Pa.	Woodruff, Mich.
Graham	Kunkel	Rogers, Mass.	Youngdahl
Grant, Ind.	Landis	Rutherford	
Gross	LeCompte	Ryan	

## NOT VOTING—129

Allen, Pa.	Delaney	Kelly	Richards
Arnold	Dempsey	Kennedy, Michael	Risk
Barden, N. C.	Dies	Kerr	Routzohn
Barton, N. Y.	Dirksen	Kilburn	Sabath
Bates, Ky.	Doxey	Kirwan	Sacks
Bates, Mass.	Drewry	Kitchens	Sadanger
Beam	Durham	Lambertson	Schaefer, Ill.
Bland	Elliott	Larrabee	Shafer, Mich.
Bolton	Evans	Lea	Sheppard
Boykin	Fay	Lemke	Sheridan
Bradley, Pa.	Ferguson	Luce	Simpson
Brewster	Fernandez	McGehee	Starnes, Ala.
Buck	Fitzpatrick	McGranery	Sullivan
Buckley, N. Y.	Flaherty	McLeod	Sweeney
Bulwinkle	Flannery	McMillan, Clara	Taylor
Burch	Folger	McMillan, John L.	Thomas, N. J.
Burdick	Ford, Leland M.	Maciejewski	Tolan
Burgin	Ford, Miss.	Magnuson	Treadway
Byrne, N. Y.	Ford, Thomas F.	Marcantonio	Voorhis, Calif.
Caldwell	Fulmer	Martin, Ill.	Vreeland
Carter	Garrett	Martin, Mass.	Wadsworth
Celler	Gavagan	Massingale	Wallgren
Chapman	Gifford	Merritt	Ward
Clark	Guyer, Kans.	Miller	Warren
Cluett	Hall, Edwin A.	Murdock, Ariz.	White, Idaho
Cole, Md.	Hare	Murdock, Utah	White, Ohio
Collins	Hart	Nelson	Wigglesworth
Connery	Hendricks	Nichols	Winter
Cooley	Hope	Norton	Wood
Corbett	Jeffries	Pfeifer	Woodrum, Va.
Culkin	Johnson, Ind.	Polk	
Cummings	Johnson, Okla.	Randolph	
Darrow	Jones, Tex.	Reece, Tenn.	

So the resolution was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. Martin of Illinois (for) with Mr. Simpson, (against).  
 Mr. Arnold (for) with Mr. Miller (against).  
 Mr. Ford of Mississippi (for) with Mr. Luce (against).  
 Mr. Doxey (for) with Mr. Thomas of New Jersey (against).  
 Mr. Collins (for) with Mr. Bates of Massachusetts (against).  
 Mr. Pfeifer (for) with Mr. Wigglesworth (against).  
 Mrs. Clara G. McMillan (for) with Mr. Cluett (against).  
 Mr. Barden of North Carolina (for) with Mr. Kilburn (against).  
 Mr. Nelson (for) with Mr. Reece of Tennessee (against).  
 Mr. Bulwinkle (for) with Mr. Polk (against).  
 Mr. Clark (for) with Mr. Dirksen (against).  
 Mr. Durham (for) with Mr. McLeod (against).  
 Mr. Fay (for) with Mr. Culin (against).  
 Mr. Cooley (for) with Mrs. Bolton (against).  
 Mr. Gavagan (for) with Mr. Routzohn (against).  
 Mr. Michael J. Kennedy (for) with Mr. Corbett (against).  
 Mr. Warren (for) with Mr. Gifford (against).  
 Mr. Sullivan (for) with Mr. Edwin A. Hall (against).  
 Mr. Richards (for) with Mr. Guyer of Kansas (against).  
 Mr. Starnes of Alabama (for) with Mr. Jeffries (against).  
 Mr. Murdock of Utah (for) with Mr. Hope (against).  
 Mr. McGehee (for) with Mr. Johnson of Indiana (against).  
 Mr. Schaefer of Illinois (for) with Mr. Lambertson (against).  
 Mr. Randolph (for) with Mr. Treadway (against).  
 Mr. Kelly (for) with Mr. Vreeland (against).  
 Mr. Satterfield (for) with Mr. Barton of New York (against).

Until further notice:

Mr. Beam with Mr. Carter.  
 Mr. Dempsey with Mr. Winter.  
 Mr. Hare with Mr. Shafer of Michigan.  
 Mr. Kerr with Mr. Lemke.  
 Mr. Bland with Mr. Leland M. Ford.  
 Mr. Woodrum of Virginia with Mr. Darrow.

Mr. Drewry with Mr. Martin of Massachusetts.  
 Mr. Fernandez with Mr. Risk.  
 Mr. Burch with Mr. White of Ohio.  
 Mr. Hart with Mr. Sandager.  
 Mr. Kirwan with Mr. Wadsworth.  
 Mr. John L. McMillan with Mr. Burdick.  
 Mr. Buck with Mr. Marcantonio.  
 Mr. Folger with Mr. Fitzpatrick.  
 Mr. Byrne of New York with Mr. Brewster.

The result of the vote was announced as above recorded.  
 The doors were opened.

Mr. KEFAUVER. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (S. 1681) to amend section 107 of the Judicial Code to create a mountain district in the State of Tennessee, and for other purposes.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill S. 1681, with Mr. RAMSPECK in the chair.

The Clerk read the title of the bill.

The first reading of the bill was dispensed with.

The CHAIRMAN. The gentleman from Tennessee [Mr. KEFAUVER], is recognized for 30 minutes, and the gentleman from New York [Mr. HANCOCK] is recognized for 30 minutes.

Mr. KEFAUVER. Mr. Chairman, I have no one who wishes to speak at this time.

Mr. TABER. Is no one going to explain the bill and tell the story?

A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. TABER. I have sent to the desk asking if there were any hearings on this bill but have been unable to find any. I ask if there were any hearings held by this committee on this bill. This seems to be a mystery bill. It seems funny to bring in a bill without hearings.

The CHAIRMAN. In answer to the inquiry of the gentleman from New York, the Chair would suggest that the gentleman direct that inquiry to the gentleman in charge of the bill and not to the Chair.

Mr. KEFAUVER. I will say to the gentleman that hearings were held on the bill.

Mr. TABER. Are the hearings available?

Mr. KEFAUVER. There are no printed hearings.

Mr. TABER. No hearings?

Mr. KEFAUVER. They called in witnesses on the bill.

Mr. TABER. It seems funny to bring in a bill here without having printed hearings available. It is not the custom.

Mr. SUMNERS of Texas. If the gentleman will yield, I will say that we do that over in our committee frequently.

Mr. TABER. I am surprised that anyone would do that.

Mr. SUMNERS of Texas. We are for economy over on our side.

Mr. TABER. That is not economy, because it is a cover-up program to cover up the facts.

Mr. RICH. Mr. Chairman, will the gentleman yield?

Mr. KEFAUVER. I yield to the gentleman from Pennsylvania.

Mr. RICH. Who is that that talks about economy? Show me the gentleman on that side of the House who mentioned economy. I have been looking for him for 7 years.

Mr. SUMNERS of Texas. I do not believe the gentleman will ever find him, because if the gentleman gets right close to him he will go the other way.

Mr. RICH. Take this statement that is issued by Mr. Morgenthau and see where we have gone in the red this year—\$668,526,000 since July 1. It seems to me nobody has the right to talk about economy over on that side.

Mr. HANCOCK. Mr. Chairman, will the gentleman yield for a question?

Mr. KEFAUVER. I yield to the gentleman from New York.

Mr. HANCOCK. As I understand, an amendment is to be offered by the gentleman from Tennessee. Before we start the discussion, will the gentleman be good enough to read the amendment which he proposes to substitute for the bill?



Mr. KEFAUVER. I may say to the gentleman that committee prints of the amendment have been available at the desk all along.

Mr. MICHENER. Mr. Chairman, will the gentleman yield?

Mr. KEFAUVER. I yield to the gentleman from Michigan.

Mr. MICHENER. I do not quite understand just where the gentleman is at as far as procedure is concerned. We have the bill, which has a number. There has been a committee amendment recommended. Does the gentleman contemplate moving to strike out everything after the enacting clause and inserting the amendment, and then discussing the amendment, or is he going to discuss the old bill, which the chairman has refused to support?

Mr. KEFAUVER. I say to the gentleman that the committee amendment will be offered to the bill. The committee amendment has been printed and is available. I believe it would be proper to discuss the committee amendment, although it speaks for itself. It is available.

I should like to yield to the gentleman from New York one-half the time available under this rule. Does the gentleman want to use any time?

Mr. MICHENER. He has that under the rule.

Mr. HANCOCK. I believe it would be more orderly if the gentleman from Tennessee would state exactly what he means by this bill. He stated at the opening he intended to do so, and to give us some idea of the volume of litigation in the district.

Mr. KEFAUVER. Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman, I thought that under the rule a fairly full explanation was made of the situation. To begin with, as I said a few minutes ago in speaking on the rule, Tennessee has four separate important and rather populous areas, the Memphis, the Nashville, the Knoxville, and the Chattanooga areas. We have three districts with Knoxville as the headquarters of the eastern district, Nashville the headquarters of the central district, and Memphis the headquarters of the western district.

In the eastern district the judge holds court at Greenville, which is in the extreme northeastern part of the State, and at Knoxville and at Chattanooga. Generally speaking, over the course of the years the business in the eastern district has been almost twice that of either one of the other districts, just about double the business in either one of the other districts and, generally speaking, the business in the eastern district has been about equal between the Chattanooga court and the Knoxville court. Chattanooga is a little bit larger city than Knoxville and has a substantial trade area around it.

Back in the early thirties there was a very heavy congestion of the docket in the eastern district and in the middle district, as found in the conference report and the statement by the Attorney General. I personally knew about that and experienced it, because we would have to wait sometimes a year or two in order to get our cases disposed of. One reason for that very heavy congestion, and the chief reason, of course, was the amount of business that had to be done. Another reason—and I say this not in a personal or a critical way—but the record has been made and that shows that the judge of the eastern district of Tennessee when he would take cases under advisement would sometimes hold them under advisement for a rather long time before he would decide them, and these were important cases. I have one here in which I was counsel.

Mr. MICHENER. Mr. Chairman, will the gentleman yield right there?

Mr. KEFAUVER. Yes.

Mr. MICHENER. If that condition exists and there is not 30 days' work in the district for a judge in a year, is there not something wrong with the judge, and is not the remedy to do something about the judge rather than to establish another district?

Mr. KEFAUVER. I will say to the gentleman that these were very complicated cases and required a lot of study. Some of them involved \$500,000 or \$1,000,000 or \$1,500,000, and the judge was literally swamped with work, as I will

show here in a few minutes. The judge, as I have said, is a fine high-type man and an excellent jurist and I have no complaint against him. Anyway, the bar associations and the litigants and the people generally, particularly in the Chattanooga district, became very much interested in doing something about the situation. So it was generally proposed to create a mountain district to take in the Chattanooga area and the Winchester division of the middle district which is in that area. This was not done and so a roving judge was recommended who was to rove between the eastern district and the middle district. This roving judge was appointed pursuant to the act of May 31, 1938, and he has been a very splendid judge and is making a good record. He takes his cases and decides them promptly and gives you a quick hearing. He lives in Chattanooga and he is down there now.

This helped the situation a great deal, but it was not satisfactory entirely for the reason that this roving judge had no status and had no definite jurisdiction. He might be in Chattanooga at one term of the court and the next time, when the term of court came there, he would be in another section of the State and the other judge would have to come down and take up the cases where the roving judge left off and vice versa. So there has been a strong demand, and is now a very strong demand, for having a judge with a permanent jurisdiction located in the Chattanooga and the Winchester divisions.

The work in the State of Tennessee would be equitably divided between the four judges if this roving judge were given the Chattanooga and the Winchester divisions, the judge of the eastern district, the senior judge, retain the Knoxville and the Greenville jurisdiction, and the middle judge given the Nashville and the Cookeville and Columbia jurisdiction, and the Memphis judge given everything west of the Tennessee River, over in the western part of the State. So pursuant to the demand of the bar associations and the lawyers in this section for a permanent judgeship, someone who would be there and to whom they could go and present their writs and applications for extraordinary process, the Senate bill (S. 1681) was introduced in the Senate and passed by the Senate. When it came over to the House, and after it was reported by the Committee on the Judiciary, a good deal of opposition developed to it for the reason that it would cost about \$25,000 or \$30,000 on account of having an additional staff, and during this time of national emergency when we want to spend money for preparedness and economize on everything else, there was very substantial opposition to it, although I thought the bill had a great deal of merit and ought to be passed, and I still think so. So in order to meet that opposition, including the effective opposition of the chairman of the Committee on the Judiciary, this amendment, a committee print of which has been passed around, was adopted by the Committee on the Judiciary and will be offered when the proper time comes as an amendment to the Senate bill (S. 1681). Frankly, the amendment is presented because we could not pass the bill as it passed the Senate.

Mr. PARSONS. Mr. Chairman, will the gentleman yield?

Mr. KEFAUVER. I yield.

Mr. PARSONS. Will the gentleman explain just what the committee amendment will do to the original bill?

Mr. KEFAUVER. Yes.

Mr. PARSONS. And right at this point I would like to know whether or not the constituents of my colleague really want this bill passed.

Mr. KEFAUVER. I say to the gentleman that I have telegrams and resolutions here and a letter from the president of the Chattanooga Bar Association asking for the passage of the mountain district court bill. The reason they want that is because they want a permanent judgeship, but since they cannot have that they want a permanent judge who will have a definite jurisdiction.

Mr. PARSONS. Does this involve the appointment of an additional judge?

Mr. KEFAUVER. No; it does not; and I will come to that in a moment. But in answer to the gentleman's inquiry as to whether or not our constituents want it, as I said before,

this section is represented almost entirely by the gentleman from Tennessee [Mr. GORE] and myself, and in our opinions a majority of the lawyers and people in our sections are in favor of it. The gentleman from Tennessee [Mr. GORE] has spoken for the sections in his district. Senator STEWART, from Tennessee, is a resident of and practicing attorney at Winchester; he is an exceptionally able lawyer and a former attorney general, and he knows the situation, and he is very much interested in having this judge fixed with a definite jurisdiction. He is supporting the bill very strenuously.

I have telegrams from the Coffee County Bar Association, from the Winchester Bar Association, the Fayetteville Bar Association, the Moore County Bar Association, a number of leading attorneys of the Rhea County bar.

[Here the gavel fell.]

Mr. KEFAUVER. Mr. Chairman, I yield myself 10 additional minutes.

Mr. TABER. Mr. Chairman, will the gentleman yield?

Mr. KEFAUVER. Let me go on for just a minute, please.

The president of the Chattanooga Bar Association—I know they want it, and as a practicing attorney in that section I can say it is desirable. As a matter of fact, I think the chairman of the Judiciary Committee, Judge SUMNERS, and the Attorney General, and any other agency who has studied the situation knows that a roving judge is very unsatisfactory. In the first place, he cannot advance because he has no definite jurisdiction. In the second place, he has no control over the dockets at any particular place. He just goes here and there and picks up where somebody else leaves off, and never has any definite jurisdiction.

Mr. HEALEY. Will the gentleman yield?

Mr. KEFAUVER. I yield.

Mr. HEALEY. I wanted the gentleman to explain about a roving judge. He is a duly appointed judge of the court—a United States Federal judge, is he not?

Mr. KEFAUVER. Yes. A roving judge is a regular district judge. He is already there, but the only thing about it is he does not have anywhere to hang his hat.

Mr. HEALEY. And you want to tie him down?

Mr. KEFAUVER. We want to tie him down.

Mr. KNUTSON. Hog tight? [Laughter.]

Mr. KEFAUVER. Now, the proposed amendment simply takes the Winchester division of the middle district which consists of about seven counties and which is right adjacent to the Chattanooga area, and places the Winchester division in the eastern district of Tennessee. Then the Winchester division, along with the Chattanooga division, which is the southern division of the eastern district, is placed under this roving judge's care. He is made an additional judge of the eastern district of Tennessee and he has charge of the dockets there. He has charge of the cases there. He will sit there and hold court term after term, except when transferred to some other district, as can be done by the senior circuit judge, or he may go into the other parts of the eastern district by agreement with the other judge of the eastern district. So that this bill brings about the result that the people want. This does not call for the creation of any new office or any new employees.

Mr. TABER. Will the gentleman yield right there?

Mr. KEFAUVER. I yield.

Mr. TABER. It makes the roving judge a permanent judge, instead of the office just continuing as long as this judge lives?

Mr. KEFAUVER. I will come to that in just a minute.

Now, we already have full headquarters for the judge at Chattanooga and also at Winchester, so that there are no new facilities needed. There is no new officer or employee added to the staff.

The chief objection that has been made to this bill is that after this judge is given jurisdiction and a definite status—and I think everybody must agree that that should be done; I know the lawyers and everybody down there want it, and that includes some members of the minority party—after he is given a definite status and jurisdiction, then he has a certain responsibility. He is responsible for the proper conduct

of this division that he has charge of. If he has to be there and if he has to be responsible, is there any reasonable argument against giving him the power to appoint those officials who will personally work for him in those divisions? That is the only other part there is to this bill. If he is to be responsible for the conduct of some commissioner, should he not have the right of control over that commissioner? Take it the other way. If the other judge, who is up at Knoxville, does not have primary responsibility for the trial of cases and the conduct of the Chattanooga and Winchester courts, if he is not going to have the chief responsibility for the conduct of the courts in those two divisions, how can there be any politics, or how can there be anything except reason in not letting him have control of the men who are going to work under the judge who has the responsibility? Why should he want to retain them? He is not charged primarily for anything they do. They do not work under him. We all know that in order for a judge to do effective work, the employees through whom he works have to be responsible to him. That is only sound common sense.

Something was said about a deputy clerk at Chattanooga. If you will read this bill you will see that he will have to be appointed by the clerk at Knoxville, because the general law provides, title XI, sections 6 and 7, that the clerk of the district court appoints his deputy clerks. So that he will continue to appoint the clerk at Chattanooga, and there is no clerk at Winchester.

Mr. GORE. Mr. Chairman, will the gentleman yield?

Mr. KEFAUVER. I yield.

Mr. GORE. In that connection, there seems to be some misunderstanding that this will create either a new judgeship or new clerkship or some new position. Is it not true that this bill does not create any new position, but gives primary jurisdiction of the Chattanooga area to the roving judge?

Mr. KEFAUVER. The gentleman is correct.

As I said a few minutes ago, the record shows—and I have personally practiced law in this section and know how busy the court there is—the record shows over a period of years that about one-half of the work in the eastern district is done at Chattanooga. If you put the work that is done at Winchester into the Chattanooga division it will just about equalize the work all through the State. As to whether the amount of work done in the district courts of Tennessee makes this judgeship necessary, let me say that in 1938 when this roving judge was appointed and provided for, an additional judge was found to be needed for this section, and that is the reason that bill was passed. If you will notice in the letter of the Attorney General which is on page 2 of the supplemental report this statement is made:

The existing law provides that no successor shall be appointed to the judge for the eastern and middle districts of Tennessee. The proposed amendment would repeal such limitation. No reason appears why this should not be done, since the creation of the fourth judicial position as a permanent office was recommended by the judicial conference and by this Department.

That is a statement made by the Acting Attorney General.

Mr. SPENCE. Mr. Chairman, will the gentleman yield?

Mr. KEFAUVER. I yield.

Mr. SPENCE. Who assigns the roving judge to the additional district, and who designates the additional cases he shall try?

Mr. KEFAUVER. The way it works out is that the various judges agree where he is to go. He goes where they call him. He does not have anybody in particular to assign him. That is the way it works out and it is a very unsatisfactory situation.

A new judgeship was needed in 1937. This section of Tennessee has been growing very rapidly during the last 10 years. The census shows that the counties in which these two divisions are located have increased more than 10 percent in population. A great many new industries have come into this section, and the work in the Federal courts is increasing and can be expected to increase. As stated by the Acting Attorney General, they see no objection to making this judgeship permanent.



Mr. PEARSON. Mr. Chairman, will the gentleman yield?  
Mr. KEFAUVER. I yield.

Mr. PEARSON. With reference to the increase as shown in the census figures for the State of Tennessee in the last census, is it not true, literally true, that the largest increases registered in the State were in the counties which will be affected and served by this judgeship?

Mr. KEFAUVER. The gentleman is correct about that; and I may say that in the last 10 years the population of Tennessee has increased by approximately 400,000, and a large part of this increase is in this particular section.

In the United States there are 187 acting district judges. I have compiled statistics showing the work done by the average district judge. You will find on page 202 of the Attorney General's report that the average number of criminal cases filed in a district is 186.

[Here the gavel fell.]

Mr. KEFAUVER. Mr. Chairman, I yield myself 2 additional minutes.

Mr. HANCOCK. Mr. Chairman, will the gentleman yield for a question?

Mr. KEFAUVER. I yield.

Mr. HANCOCK. I notice that the Attorney General calls attention to the fact that under your bill the judge would have the appointment of deputy clerks. The general law is that deputy clerks are appointed by the clerk.

Mr. KEFAUVER. Answering the gentleman I may say that his suggestion was complied with, and that matter is left with the district clerk under this proposed amendment.

The average number of criminal cases handled by a judge is 186. In the eastern district of Tennessee it was 369. The average terminated was 190; in the eastern district of Tennessee it was 404.

The average defendants' cases filed in criminal cases was 276; in the eastern district of Tennessee it was 636. Terminated: The average was 283; in the eastern district of Tennessee it was 696.

Civil cases filed: The average was 115; in the eastern district of Tennessee it was 225. Terminated: The average was 128; in the eastern district of Tennessee it was 242.

Let me say to the members of the committee that I would not be here just to ask for something of no importance, to talk about something that was just a political matter, because I expect to again go down there and practice law some time. But I know of my own personal knowledge the amount of litigation and the conduct of the courts will be helped by having the judge there made permanent. I have no personal criticism to make of anyone or of the work they have or are doing.

This bill does not cost one penny. Not one new officer or employee is provided for. If this judge is to do a good job he has got to have these men who are under him responsible to him, and if the roving judge is fixed with a definite jurisdiction and made permanent, the situation will be more satisfactory. [Applause.]

[Here the gavel fell.]

Mr. HANCOCK. Mr. Chairman, I yield 5 minutes to the gentleman from Iowa [Mr. GWYNNE].

Mr. GWYNNE. Mr. Chairman, I think no one should hesitate at least about supporting the committee amendment. The committee amendment will improve the bill, but even with the committee amendment the bill will still contain a feature to which I am opposed, and that is that it still will make a temporary judgeship permanent.

You will recall that a few months ago we had a bill before us creating a number of judgeships throughout the country. I was on the subcommittee that considered that bill. In the House I supported it, although it contained some judgeships of which I did not approve. I was led to support that bill partly because it contained a provision I have long advocated and which I had hoped would be the permanent policy of the Congress, and that is that all judgeships hereafter created, so far as possible, would be temporary judgeships.

This roving judgeship in Tennessee is temporary, but this bill proposes to make it permanent. If you will read the sur-

veys that have been made of the judicial work of this country, you will be impressed, I believe, by the fact that the work is not entirely satisfactory; and I think you will come to the conclusion that this condition is not because we do not have sufficient judges in America. I think we do. The trouble is we do not have them in the right places. I have not been able to understand why, for example, Tennessee should have four judges or why Oklahoma should have four.

Many times a temporary situation arises such as occurred in New York in the days of prohibition, or as occurred in Florida because of the land boom and the subsequent crash. In my judgment, Mr. Chairman, the difficulty with our judicial system is that there is not enough flexibility.

Mr. McLAUGHLIN. Will the gentleman yield?

Mr. GWYNNE. I yield to the gentleman from Nebraska.

Mr. McLAUGHLIN. I think we are all conscious of the correctness of what the gentleman states, but in attempting to cope with that situation does the gentleman realize the system has been built up by which a judicial conference annually meets, composed of the presiding judges of the circuit court of appeals of the various circuits, headed by the Chief Justice of the Supreme Court of the United States, who make recommendations concerning additional judges, and does not the gentleman also realize that the judicial conference made a recommendation for an additional judge in this particular district?

Mr. HANCOCK. Will the gentleman yield?

Mr. GWYNNE. I yield to the gentleman from New York.

Mr. HANCOCK. Did the gentleman ever hear of any judgeship being abolished, no matter how small the business of the court became?

Mr. GWYNNE. I may say, in answer to both gentlemen, that of course we have created the judicial conference. In considering the last bill, the subcommittee did not create any new judgeship that had not been recommended by the judicial conference. We did not believe, however, that we should allow a judgeship to be created simply because it was recommended by the judicial conference. During the past year we have created an administrative officer of the court, whose duty it is to keep in touch with the functioning of the courts throughout the country and to make reports to the Congress. I believe the Congress will have better information in the future from this source in regard to the functioning of our judicial system.

What we need is a revamp of the districts and divisions and maybe the circuits in this country, and, as an aid to that, should retain the provision of the law that all judgeships hereafter would be temporary, so that when a vacancy occurs the Congress could then reexamine the subject under consideration and get the advice of the judicial conference and administrative officer of the courts.

Mr. PATRICK. Will the gentleman yield?

Mr. GWYNNE. I yield to the gentleman from Alabama.

Mr. PATRICK. I am from the State of Alabama, and we have only three judges down there while they have four in Tennessee. Of course, we are a lot more law abiding. We do not have as many lawsuits as they have in Tennessee. May I ask the gentleman if as a member of that committee he has ascertained whether there has been a tremendous increase in population in this area in Tennessee?

Mr. GWYNNE. Yes, I understand so. The population of Tennessee is now about 2,000,000.

[Here the gavel fell.]

Mr. HANCOCK. Mr. Chairman, I yield the gentleman 1 additional minute.

Mr. KEFAUVER. Will the gentleman yield?

Mr. GWYNNE. I yield to the gentleman from Tennessee.

Mr. KEFAUVER. The population of Tennessee is about 3,000,000 according to the last census.

Mr. GWYNNE. Even admitting the population to be 3,000,000, it seems to me Tennessee is over-judged with four judges.

Mr. GORE. Will the gentleman yield?

Mr. GWYNNE. I yield to the gentleman from Tennessee.

Mr. GORE. The gentleman cited the situation in New York, I believe, in which an emergency arose and additional judges were needed. He will also bear in mind the Tennessee Valley development. I hold in my hand three full pages of cases pending at the time this document was copied involving the T. V. A. That has been a circumstance that has caused an emergency down there.

Mr. GWYNNE. That may be a reason for giving them an additional judge, but what reason is there now for making this judgeship permanent?

Let us wait until a vacancy occurs, then decide it upon the facts then before us. Let us not abandon so quickly this policy that I think is a good one, and that is that the Congress keep this thing at all times under its control by making these judgeships temporary as far as possible.

[Here the gavel fell.]

Mr. HANCOCK. Mr. Chairman, I yield 5 minutes to the gentleman from Minnesota [Mr. KNUTSON].

Mr. KNUTSON. Mr. Chairman, I can well understand the desire of the new dealers to create as many additional Federal judgeships as possible so that they will be able to take care of as many as possible of the many who are going to fall by the wayside this fall.

Mr. KEFAUVER. Will the gentleman yield?

Mr. KNUTSON. I yield to the gentleman from Tennessee.

Mr. KEFAUVER. I hope the gentleman does not say seriously that this creates a new judgeship. We already have the judge there.

Mr. KNUTSON. I may say to the gentleman that I am only making a general observation. That judgeship is temporary. You seek to make it permanent.

Mr. Chairman, Minnesota and Tennessee are about the same in population. In Tennessee they have three judicial districts, whereas in the State of Minnesota we have but one judicial district, yet we have a much larger territory to cover than has Tennessee. The gentleman from Tennessee had much to say about their roaming judge, and he laments the fact that one of the judges is a roamer; that is, he roams from one district to another, and, therefore, does not have the standing that a permanent Federal judge should have.

We have four judges in Minnesota and they all roam. They hold court in all parts of the State and they are available to hold court in all parts of the State. If the judge they have down there in Tennessee is roaming outside the confines of his State, I would suggest that they hog-tie him and keep him at home.

I understand there are many moonshine cases down in that district, but such a situation can be cured by conferring upon police courts jurisdiction to handle violations of the Federal liquor laws.

Mr. Chairman, I ask in all seriousness if we are not overdoing this matter of creating new judgeships? If the gentleman from Tennessee really wants to improve the court procedure down in his State, why does he not bring in a bill to consolidate the three districts in Tennessee so that the judges can roam from the Mississippi River eastward up into the moonshine country, and rotate them so that they will not all jump into the moonshine country at one time?

I hope the pending bill will be defeated. It should be defeated. I do not like this idea of trying to fasten a permanent burden of \$10,000—yes, probably eighteen or twenty thousand—a year upon the American people at a time when we are going into the red \$4,500,000,000 annually. I think we should have a roll call on this bill so that we may find out who are and who are not sincere in their desire to practice economy.

Mr. KEEFE. Mr. Chairman, I make the point of order that a quorum is not present.

Mr. KNUTSON. I hope the gentleman will not take me off my feet. Is the gentleman for the bill?

Mr. KEEFE. I would like to have more Members here to hear the gentleman's speech.

The CHAIRMAN. The gentleman from Wisconsin makes the point of order that a quorum is not present. The Chair

will count. [After counting.] One hundred and two Members are present, a quorum.

Mr. PATRICK. Mr. Chairman, will the gentleman yield?

Mr. KNUTSON. I yield to the gentleman from Alabama.

Mr. PATRICK. I believe the gentleman has been down to Tennessee and seen them carry on court there. Does not the gentleman concede that really they need more judges and that there is more activity per trial in Tennessee than in the average State?

Mr. KNUTSON. I do not think they need more judges, rather they need more industrious judges.

Mr. PATRICK. Does the gentleman remember the Stokes trial down there?

Mr. KNUTSON. That was the evolution trial?

Mr. PATRICK. Yes.

Mr. KNUTSON. I do, and in light of that case I should say that rather than needing more judges they need better judges.

Mr. ALEXANDER. Mr. Chairman, will the gentleman yield?

Mr. KNUTSON. I yield to the gentleman from Minnesota.

Mr. ALEXANDER. In the gentleman's opening remarks he stated that Minnesota and Tennessee were the same in size. I believe the gentleman meant not geographically speaking but as to population.

Mr. KNUTSON. As to population, yes. Minnesota is 4 times as large geographically as is Tennessee.

Mr. JOHNS. Mr. Chairman, will the gentleman yield?

Mr. KNUTSON. I yield to the gentleman from Wisconsin.

Mr. JOHNS. Does not the gentleman really believe they need more activity from the judges they have down there, rather than another judge?

Mr. KNUTSON. I think so. I am beginning to believe the judges in Tennessee must belong to the C. I. O.

Miss SUMNER of Illinois. Mr. Chairman, will the gentleman yield?

Mr. KNUTSON. I yield to the gentlewoman from Illinois.

Miss SUMNER of Illinois. I sometimes wonder if it would not be a good idea to go along with some of these judgeship bills, providing extra judgeships that are not needed, so that when it comes time to appoint members of the United States Supreme Court it would not be necessary to appoint professors or persons who have no previous qualifications as judges.

Mr. KNUTSON. Of course, there must be cushions for the lame ducks to light on. [Applause.]

[Here the gavel fell.]

Mr. HANCOCK. Mr. Chairman, I yield 5 minutes to the gentleman from Kansas [Mr. REES].

Mr. REES of Kansas. Mr. Chairman, I do not like to be in the position of coming before this Committee just to oppose legislation that has approval of the majority of this Committee. I have tried to listen to this debate from the very beginning until now and have listened very carefully; I have not yet heard of one single sound reason why this judgeship should be made permanent. As I understand it, this judge was appointed about 2 years ago as a so-called roving judge to take care of a situation that arose at that particular time that had to do with litigation affecting especially the T. V. A.

It seems to me this legislation is like a lot of other legislation that comes on the floor of the Congress. We propose a piece of temporary legislation, then come along a little later and make it permanent. Up to this time we do have our hand on this situation, not very heavily, because, as I understand, this man is appointed for life, but someone somehow gets the idea that this judgeship ought to be made permanent.

What I think ought to be done is to redistrict the State of Tennessee. Just divide the State somewhere nearly equal among the judges you have. From what I have heard this afternoon, I do not believe you really need a new judge, if every judge would get busy and do his share of the work as he should do it.

Something was said about comparative figures as far as population is concerned. You will not find very many States in the Union that have as many judges on the basis of popu-



lation as this State. In my State, and I admit conditions are somewhat different, we have one judge. We have practically 2,000,000 people. But certainly I cannot understand why you are entitled to so many judges, providing each judge does the work he ought to. What I believe has happened, from what the gentleman has just told us, is that you have too little work for about two of your judges and maybe a little more work than one ought to have for the other.

Therefore, why not send this bill back to the committee? Let it go back to the committee and let us redistrict the State, or, better still, let us just kill the bill and leave the thing the way it stands. You are not losing anything. You are just holding your hand a little bit on the situation, not much, because I do not believe you will find very many cases in our entire history where, after you have created a judgeship, you ever abolished that judgeship. Instead of that, you go along and you increase judgeships.

The distinguished gentleman from Texas said a while ago, "We are in favor of saving money, we are in favor of economy." If you would just begin to be in favor of economy, here is one chance to use it a little. If you still want the Congress to keep its hand lightly on a situation of this kind, here is a chance to do it. Let us not pass this legislation and make this judgeship permanent, because after you have done that you will never recall it, never in your generation or mine.

With all due regard for the gentleman who brought this bill to the floor of the House, and I have the very highest regard for him, at a time when we have so much important legislation to be considered, and have taken the afternoon for it, just to say that this position should be made permanent—I say that the judge has his job permanently now, as long as he lives; but you want to have it so that not only this man can have the position but that judges can follow him from now on to eternity, as far as that is concerned. Let us not do it.

One thing more, I believe this bill creates another judicial district. In doing so, it creates other positions so that you not only have added a charge of \$10,000 annually for the salary of the court, but additional expenses to the extent of probably \$25,000 or \$30,000 annually. Mind you, it is not the taxpayers of the judicial district in Tennessee that pay this bill. It is the taxpayers throughout the country that will have to take care of it. Mr. Speaker, this is not a political question at all. It is just a question of using your good, hard common sense. I don't think the argument this afternoon has shown the necessity for making this court permanent and feel sure, too, that it has not shown the necessity of creating the additional expense. Let us have the courage of our convictions for once in our lives, and either recommit this bill or kill it, because you are not hurting anything, and at the same time you might do the country some little spark of good. [Applause.]

[Here the gavel fell.]

Mr. HANCOCK. Mr. Chairman, I yield 5 minutes to the gentleman from New York [Mr. TABER].

Mr. TABER. Mr. Chairman, we are now considering the proposition to make permanent a judge who was put in there because of temporary conditions. Now, there is not any very great overload of work which is required to be done there. The work is being cleaned up reasonably and it is not fair that we should go ahead and provide more judges for the population in Tennessee on a permanent basis than almost anywhere else in the United States. There is not going to be any more litigation there after these condemnation proceedings that they might have had in the last 4 or 5 years are ended and after the people have been paid off in connection with these various matters. There will not be any more litigation there than there is in other places in the country. As a matter of fact, the farm population of the State has dropped as a result of Government operations down there, and, while the population may have increased in some other respects, the Federal activities will show a continuous decrease, and therefore we should not go ahead and make this job permanent at a time when there is no justification for doing so.

Mr. KEFAUVER. Mr. Chairman, will the gentleman yield?

Mr. TABER. I yield to the gentleman.

Mr. KEFAUVER. If the gentleman will examine the various reports of the Attorney General, he will see that during the course of the years this district in Tennessee has had about twice the amount of criminal actions than the average district in the United States.

Mr. TABER. Why should it have twice as many? What kind of cases are they—moonshine cases?

Mr. KEFAUVER. Various sorts of criminal cases, and I may say to the gentleman that there is a great amount of Federal property in connection with the T. V. A. and if you do anything in connection with that property that is unlawful, that is a Federal offense and that is one reason for the great number of criminal cases; and, of course, that property will continue to be there and will continue to be owned by the Federal Government and the situation will continue in that way.

Mr. TABER. Yes; but nine-tenths of the civil cases that are involved, which have taken considerable time, are temporary cases. There will not be the condemnation proceedings and all that sort of thing and those are the things that take time. These petty criminal cases are almost of the police court variety and they are shoved onto the United States court as a result of statutes that have been passed in the last few years and they will not take a great amount of time. They will be cleaned up pretty rapidly just as they are in other parts of the country and we will not have any overload and there will not be anything for these folks to do as soon as the overload resulting from the T. V. A. is cleaned up.

Mr. PATRICK. Mr. Chairman, will the gentleman yield?

Mr. TABER. I yield to the gentleman.

Mr. PATRICK. Is the gentleman on the Judiciary Committee?

Mr. TABER. Oh, no.

Mr. PATRICK. Did the gentleman attend the hearings on this measure?

Mr. TABER. Oh, no; but I have been over the Attorney General's report and I have found that the overload of cases is not more than it is in most places where there is considerable business. It is not anywhere near as heavy as it is in Texas and it is not near as heavy as it is in New York and it is not as heavy as it is in Illinois. When we come to consider the civil cases that the Government has been involved in and that are going to be cleaned up, we can be assured that that will be the end of the story. We have provided a temporary judgeship there to take care of a temporary situation, one which we know is going to be temporary and which is going to be cleaned up, and when it is cleaned up there why should we have a permanent proposition on our hands? That is the issue for the House to decide. [Applause.]

[Here the gavel fell.]

Mr. HANCOCK. Mr. Chairman, I yield 7 minutes to the gentleman from Tennessee [Mr. JENNINGS].

Mr. JENNINGS. Mr. Chairman, I think we all thoroughly understand by this time that the bill creating the office of this so-called roving judge has accomplished its purpose. Now it is attempted here by this bill to freeze that office or to rivet it upon the people.

It has been said here that there has been a growth of industry and an increase of litigation down there at Chattanooga and in that eastern section of Tennessee. I say to you as a lawyer who has practiced in east Tennessee all my life that there is a decrease in litigation all over east Tennessee and in all its courts, and that is due to the fact that industrial accidents which formerly either rested upon the common law or the violation of some statutory regulation resulting in death or personal injury to employees, have been supplanted by our workmen's compensation statutes, which are universal in all States, and that has largely reduced the volume of contested litigation, and, as has just been observed, the great volume of litigation in a Federal district court consists of minor infractions, like a violation of the liquor laws, and for the most part the poor fellows who get into that sort of trouble are guilty, and they catch them with the goods on them or with the stuff still on their overalls, and they have

sense enough to come in and submit themselves to the mercy of the court.

Mr. KEFAUVER. Mr. Chairman, will the gentleman yield?

Mr. JENNINGS. I yield.

Mr. KEFAUVER. May I ask the gentleman if he has examined the Attorney General's reports and if they do not show over a course of years that there has been a gradual and a steady increase in the number of cases?

Mr. JENNINGS. My colleague from Tennessee, Mr. KEFAUVER, I do not want to spread all over the United States; I want to shoot at the bull's-eye. We shoot at the mark down in Tennessee.

Mr. KEFAUVER. That is just it.

Mr. JENNINGS. I do not want to argue with you, my good friend; I want to tell you what this bill is. I am not undertaking to talk about the whole United States; I am restricting myself to the operation of this bill.

Nowhere does the Attorney General urge the passage of this bill, but he says in his letter, "I haven't any present objection to it." But he does say this:

The second sentence of section 2 (a) of the proposed amendment contains a provision that for the purpose of determining jurisdiction and venue, the southern division of the eastern and the western division of the middle districts—

That is the district that this judge will preside over—shall be considered a separate and distinct judicial district.

They are putting the camel's head under the tent, and the purpose is to get the animal under the tent and have another judicial district in Tennessee.

Mr. REES of Kansas. Will the gentleman yield?

Mr. JENNINGS. I yield.

Mr. REES of Kansas. Is not this the fact, that if there is a new district created, in place of the statement made about \$10,000 salary, would it not create an additional expense of \$6,500?

Mr. JENNINGS. Oh, yes. There would be a district attorney, assistant district attorney, United States marshal, deputy United States marshal, probation officer, clerk and deputy clerks, and that is what they want—more patronage.

Mr. KEFAUVER. Will the gentleman yield?

Mr. JENNINGS. Yes; I yield.

Mr. KEFAUVER. The gentleman has referred to some language in the letter of the Attorney General. That was eliminated from the proposed amendment?

Mr. JENNINGS. Now, let me go back to the real purpose of this bill. It is stated in all seriousness—and I want to examine the logic that is back of this proposal to freeze this temporary judgeship into a permanent judgeship—it has been said here by an able Member of this House that if this roving judge down there should be localized and confined to the precincts of those 17 counties comprising this new district, so to speak, that his mind could not properly function, and that his judicial processes would be interfered with, and that there would be sand in the bearings and water in the gasoline if he could not appoint and control the deputy clerk of that court. Did you ever hear of such logic as that, that the judge's consideration and weighing of evidence and the application of principles of law thereto would be impeded and interfered with if he did not have the right to name the deputy clerk of the court over which he presided? That is the kind of argument that is made, that this judge will be worried and his deliberations will be interfered with if he cannot name that deputy clerk. Now, that is a lot of money to pay on the part of the people to give the judge the right to name the deputy clerk. It may be that under this language he is given the right to name a referee. Now, can we afford to put that sort of a burden upon the taxpayers, all the people of this country, just to give a judge in Tennessee the right to name a referee and a deputy clerk?

Mr. LEWIS of Ohio. Mr. Chairman, will the gentleman yield?

Mr. JENNINGS. I yield.

Mr. LEWIS of Ohio. I would ask the gentleman whether or not in the State of Tennessee in the State courts the clerk is not elected by the people?

Mr. JENNINGS. Oh, yes. In the State court he is elected by the people, but the clerk of the Federal court is appointed by the judge.

Mr. LEWIS of Ohio. Does the gentleman think that the fact that the State court clerks are elected by the people and not chosen by the judge interferes with the deliberations of the judge?

Mr. JENNINGS. Oh, no. That was just so farfetched that it seemed to me the weightiest reason advanced for the idea of freezing this temporary judgeship into a permanent judgeship and creating a new district, that it just appealed to my sense of the ludicrousness of things, and that is why I stressed it. [Laughter and applause.]

[Here the gavel fell.]

Mr. HANCOCK. Mr. Chairman, I have only 2 minutes remaining and I yield that to the gentleman from Alabama [Mr. HOBBS].

Mr. KEFAUVER. Mr. Chairman, I yield the balance of my time to the gentleman from Alabama [Mr. HOBBS].

The CHAIRMAN. The gentleman from Alabama [Mr. HOBBS] is recognized for 6 minutes.

Mr. HOBBS. Mr. Chairman, one of the funniest things in the whole world of humor is when any Republican is about to be separated from a piece of patronage. No matter how little claim of right he may have, all Republicans condemn the deprivation as an outrage. They squirm into that holier-than-thou attitude, and insist that anyone who gives a thought to political pie is vile—quite beneath their celestial notice.

Mr. JENNINGS. Will the gentleman yield?

Mr. HOBBS. I am delighted to yield to the distinguished gentleman from Tennessee.

Mr. JENNINGS. Then do you mean by that statement to admit that the sole purpose of this bill affecting the judiciary of this Nation is to take a piece of candy away from a Republican officeholder and give it to a Democrat?

Mr. HOBBS. I would not hesitate to admit it for the sake of the argument, although it is only half true. When you charge it, even if thereby you falsify the record to some extent, I am willing to accept your challenge. If you Republicans had any sense of justice or fair play, you would not insist upon the obnoxious practice of forcing a Republican appointee of a Republican judge living in a distant city into the official family of a Democratic judge in a Democratic city.

The eternal fitness of things should make taboo the forcing of a Democratic appointee of a Democratic judge in Chattanooga into the staff of a Republican judge in Knoxville. No more should you, because of the accident of having a Republican judge up there in Knoxville, seek to intrude Republican appointees of the Knoxville judge to strut before self-respecting, God-fearing people of a decent Democratic city at Chattanooga. [Laughter and applause.]

I was not born or raised in Tennessee, but I know a little bit about it. I cast my first vote in Tennessee for the Honorable Joseph W. Byrns, late distinguished and beloved Speaker of this House. [Applause.]

I went to school there and I know how University of Tennessee men hate the intestinal investiture of Vanderbilt. That great State university that has lately developed some prowess on the gridiron, is at Knoxville. As Tennessee hates Vanderbilt, so Knoxville hates Chattanooga, and with far less cause.

Mr. ANDREWS. Mr. Chairman, will the gentleman yield?

Mr. HOBBS. I am happy to yield to the distinguished gentleman from New York.

Mr. ANDREWS. I was wondering if the real reason for wanting this bill passed now was not because there is a possibility of a change in administration?

Mr. HOBBS. Why, sir, if we were so utterly foolish as to indulge that false assumption for one moment, we ought to be committed to a lunatic asylum for imbecilic doodles! Such a suggestion is subhuman. You Republicans have no more chance than a snake has hips, and you know it; and you know that that little Philadelphia snowball is dwindling every moment. It will be relegated to the limbo of forgotten follies



in November just as your sunflowers died in the same month of 1936.

But I refuse to be led aside into a discussion of political issues, as much as I would love to accommodate the gentleman.

Our good friend, the gentleman from Minnesota [Mr. Knutson], comes here, and the first thing he does is to ignore the Constitution and say that we are trying to pass this bill to take care of some "lame duck" Democratic Members who are going to be defeated, when he knows, in those moments when his mind is at equipoise without the overbearing influence of political considerations [laughter], that the Constitution of the United States provides unequivocally that no sitting Member can be appointed to a judgeship created during his term of office. He also ignores the facts. The judge this bill domiciles in Chattanooga lives there and is already a judge. When he says that this would cost from \$15,000 to \$20,000 a year forever, he again forgets the facts. There is not a word in this bill to substantiate such a contention; at most it is a remote contingency a lifetime hence.

Much has been said about the fact that the gentleman from Texas, Judge SUMNERS, was opposed to the original bill. We all know the real reason the distinguished gentleman from Texas, our honored and beloved chairman of the Judiciary Committee, was against it. He had an idea born in his mind, sired by an innate prejudice against the creation of any new districts anywhere, and mothered by economy. When the gentleman from Texas, HATTON SUMNERS, came to Congress 26 years ago, more or less, he went back home after his first session, and the panhandler who took his bags—they did not have redcaps in those days—said: "Howdy, Mr. Hatton. Ah sho is glad you is back. You have done gone off and got to be a great man. We sho is proud to have you back home. You ain't got a quarter you could give an old nigger, is you?"

The gentleman from Texas, Judge SUMNERS, very much flattered, coming home from his first term, immediately started to fish around in his pockets. The search continued till every pocket had been explored. "I declare, Jim, I did have a quarter; but I cannot find it now."

Jim replied: "Mr. Hatton, please look again, 'cause if you had it, you still got it." [Laughter and applause.]

That is the real reason why the gentleman from Texas, HATTON SUMNERS, opposed this bill in its original form—it would have cost some money. But we have now remodeled it, streamlined it. It does not spend a thin, slick dime now.

Mr. GWYNNE. Mr. Chairman, will the gentleman yield there?

Mr. HOBBS. Yes, sir; I am happy to yield to the distinguished gentleman from Iowa.

Mr. GWYNNE. Would the gentleman streamline it further? Would the gentleman support an amendment which would strike out that part of the bill which makes this temporary judgeship permanent?

Mr. HOBBS. No, sir; I would not. I am for the pending substitute for the original bill, just as your committee and mine reported it out.

It will correct the persisting wrong at which it is aimed. There should be no hesitation in curing that evil, and I favor a permanent cure. [Applause.]

When you Republicans give Democrats the power to name the secretaries to work in your congressional offices, I might vote with you to keep a Republican empowered to name the staff of a Democratic judge. We do not wish any such inequitable power, nor should we or you have it. But until you make such an offer I shall never, no, never, consider voting with you on any such issue.

[Here the gavel fell.]

The CHAIRMAN. The time of the gentleman from Alabama has expired, all time has expired.

The Clerk read as follows:

*Be it enacted, etc.,* That section 107 of the Judicial Code, as amended, is amended to read as follows:

"SEC. 107. (a) The State of Tennessee is divided into four districts, to be known as the eastern, mountain, middle, and western districts of Tennessee.

"(b) The eastern district shall include two divisions, constituted as follows: The eastern division, which shall include the territory embraced on January 1, 1937, in the counties of Carter, Cocke, Greene, Hamblen, Hancock, Hawkins, Johnson, Sullivan, Unicoi, and Washington; and the western division, which shall include the territory embraced on such date in the counties of Anderson, Blount, Campbell, Claiborne, Grainger, Jefferson, Knox, Loudon, Monroe, Morgan, Roane, Scott, Sevier, and Union.

"(c) Terms of the district court for the eastern division of said district shall be held at Greeneville on the first Monday in March and the third Monday in September; and for the western division at Knoxville on the fourth Monday in May and the first Monday in December.

"(d) The mountain district shall include the territory embraced on January 1, 1937, in the counties of Bledsoe, Bradley, Hamilton, Marion, McMinn, Meigs, Polk, Rhea, and Sequatchie, to be known as the Chattanooga division; and the Winchester division, which shall include the territory embraced on such date in the counties of Bedford, Coffee, Franklin, Grundy, Lincoln, Moore, Van Buren, and Warren.

"(e) Terms of the district court for the said district shall be held at Chattanooga on the fourth Monday in April and the second Monday in November, and at Winchester on the first Monday in March and the first Monday in October.

"(f) The middle district shall include three divisions, constituted as follows: The northeastern or Cookeville division, which shall include the territory embraced on January 1, 1937, in the counties of Clay, Cumberland, Fentress, De Kalb, Jackson, Macon, Overton, Pickett, Putnam, Smith, and White; the Columbia division, which shall include the territory embraced on such date in the counties of Giles, Hickman, Lawrence, Lewis, Marshall, Maury, Perry, and Wayne; and the Nashville division, which shall include the territory embraced on such date in the counties of Cannon, Cheatham, Davidson, Dickson, Humphreys, Houston, Montgomery, Robertson, Rutherford, Stewart, Sumner, Trousdale, Williamson, and Wilson.

"(g) Terms of the district court for the northeastern division of said district shall be held in Cookeville on the third Monday in April and the first Monday in November; for the Columbia division at Columbia on the third Monday in June and the fourth Monday in November; and for the Nashville division at Nashville on the second Monday in March and the fourth Monday in September: *Provided*, That suitable accommodations for holding the courts at Cookeville and Winchester shall be provided by the local authorities without expense to the United States: *And provided further*, That witnesses attending court shall be paid mileage for the shortest and most direct route from the home of the witness.

"(h) The western district shall include two divisions constituted as follows: The eastern division, which shall include the territory embraced on January 1, 1937, in the counties of Benton, Carroll, Chester, Crockett, Decatur, Gibson, Hardeman, Hardin, Henderson, Henry, Lake, McNairy, Madison, Obion, and Weakley, and the waters of the Tennessee River to the low-water mark on the eastern shore thereof wherever such river forms the boundary line between the middle and western districts of Tennessee, from the north line of the State of Alabama, north to the point in Henry County, Tenn., where the south boundary line of the State of Kentucky strikes the east bank of said river; and the western division, which shall include the territory embraced on such date in the counties of Dyer, Fayette, Haywood, Lauderdale, Shelby, and Tipton.

"(i) Terms of the district court for the eastern division of said district shall be held at Jackson on the fourth Monday in March and the fourth Monday in September; and for the western division at Memphis on the first Monday in April and the first Monday in October.

"(j) The clerk of the court for the eastern district shall maintain an office in charge of himself or a deputy at Knoxville and at Greeneville. The clerk of the court and the marshal for the western district shall each appoint a deputy, both of whom shall reside at Jackson. The offices so maintained shall be kept open at all times for transaction of business of the court."

SEC. 2. (a) The district judges for the eastern, middle, and western districts of Tennessee in office immediately prior to enactment of this act shall be the district judges for such districts, as constituted by this act; and the district attorneys and marshals for the eastern, middle, and western districts of Tennessee in office immediately prior to the enactment of this act shall be, during the remainder of their present terms of office, the district attorneys and marshals for such districts, as constituted by this act.

(b) The district judge appointed, under authority of the act approved May 31, 1938 (Public, No. 555, 75th Cong., 52 Stat. L. 584), for the eastern and middle districts of Tennessee shall be the judge of the District Court for the Mountain District of Tennessee and hold court in Chattanooga and Winchester. The President is authorized to appoint, by and with the advice and consent of the Senate, a marshal and district attorney for said mountain district. The said district judge for said mountain district shall have the same right to appoint a clerk and other court officials in his district that other judges in the other districts of Tennessee now have, and the clerk of the court of said mountain district shall maintain an office in charge of himself or a deputy at Chattanooga and at Winchester.

SEC. 3. All provisions of law inconsistent with the provisions of this act are hereby repealed.

Mr. KEFAUVER. Mr. Chairman, I offer an amendment which I send to the Clerk's desk.

The Clerk read as follows:

Committee amendment offered by Mr. KEFAUVER: Page 1, strike out all after the enacting clause and insert the following:

"That section 107 of the Judicial Code, as amended, is amended to read as follows:

"Sec. 107. (a) The State of Tennessee is divided into three districts, to be known as the eastern, middle, and western districts of Tennessee.

"(b) The eastern district shall include the territory embraced on the 1st day of January 1940 in the counties of Bedford, Franklin, Lincoln, Warren, Grundy, Coffee, Van Buren, and Moore, which shall constitute the Winchester division of said district; also the territory embraced on the date last mentioned in the counties of Bledsoe, Bradley, Hamilton, Marion, McMinn, Meigs, Polk, Rhea, and Sequatchie, which shall constitute the southern division of said district; also the territory embraced on the date last mentioned in the counties of Anderson, Blount, Campbell, Claiborne, Grainger, Jefferson, Knox, Loudon, Monroe, Morgan, Roane, Sevier, Scott, and Union, which shall constitute the northern division of said district; also the territory embraced on the date last mentioned in the counties of Carter, Cocke, Greene, Hamblen, Hancock, Hawkins, Johnson, Sullivan, Unicoi, and Washington, which shall constitute the northeastern division of said district. Terms of the district court for the Winchester division shall be held at Winchester on the third Mondays in May and October; for the southern division at Chattanooga on the fourth Monday in April and the second Monday in November; for the northern division at Knoxville on the fourth Monday in May and the first Monday in December; for the northeastern division at Greeneville on the first Monday in March and the third Monday in September: *Provided*, That suitable accommodations for holding court at Winchester shall be provided by the local authorities but only until such time as such accommodations shall be provided upon the recommendation of the Director of the Administrative Office of the United States Courts in a public building or other quarters provided by the Federal Government for such purpose.

"(c) The middle district shall include the territory embraced on the 1st day of January 1940 in the counties of Cannon, Cheatham, Davidson, Dickson, Humphreys, Houston, Montgomery, Robertson, Rutherford, Stewart, Sumner, Trousdale, Williamson, and Wilson, which shall constitute the Nashville division of said district; also the territory on the date last mentioned in the counties of Hickman, Giles, Lawrence, Lewis, Marshall, Wayne, and Maury, which shall constitute the Columbia division of said district; also the territory embraced on the date last mentioned in the counties of Clay, Cumberland, De Kalb, Fentress, Jackson, Macon, Overton, Pickett, Putnam, Smith, and White, which shall constitute the northeastern division of said district. Terms of the district court for the Nashville division of said district shall be held at Nashville on the second Monday in March and the fourth Monday in September; for the Columbia division at Columbia on the third Monday in June and the fourth Monday in November; and for the northeastern division at Cookeville on the third Monday in April and the first Monday in November: *Provided*, That suitable accommodations for holding court at Columbia shall be provided by the local authorities but only until such time as such accommodations shall be provided upon the recommendation of the Director of the Administrative Office of the United States Courts in a public building or other quarters provided by the Federal Government for such purpose.

"(d) The western district shall include the territory embraced on the 1st day of January 1940 in the counties of Dyer, Fayette, Haywood, Lauderdale, Shelby, and Tipton, which shall constitute the western division of said district; also the territory embraced on the date last mentioned in the counties of Benton, Carroll, Chester, Crockett, Decatur, Gibson, Hardeman, Hardin, Henderson, Henry, Lake, McNairy, Madison, Obion, Perry, and Weakley, including the waters of the Tennessee River to low-water mark on the eastern shore thereof wherever such river forms the boundary line between the western and middle districts of Tennessee, from the north line of the State of Alabama, north to the point, Henry County, Tenn., where the south boundary line of the State of Kentucky strikes the east bank of the river, which shall constitute the eastern division of said district. Terms of the district court for the western division of said district shall be held at Memphis on the first Mondays in April and October; and for the eastern division at Jackson on the fourth Mondays in March and September. An office of the clerk, in charge of the clerk or a deputy, shall be maintained at Memphis and Jackson. The marshal for the western district shall appoint a deputy who shall reside at Jackson. The marshal for the eastern district shall appoint a deputy who shall reside at Chattanooga. An office of the clerk of the court for the eastern district shall be maintained, in charge of the clerk or a deputy, at Knoxville, at Chattanooga, and at Greeneville.

"(e) The district judge for the eastern district of Tennessee in office on the date of the enactment of this act shall hold regular and special terms of court at Knoxville and Greeneville. The said district judge shall have the power of appointment and removal of all officers and employees of the court in said district, except as herein otherwise provided, whose appointment is vested by law in a district judge or senior district judge.

"(f) The district judge for the eastern and middle districts of Tennessee, appointed under the authority of the act approved May 31, 1938 (52 Stat. 584), whose official residence shall be at Chatta-

nooga, shall be an additional district judge for the eastern district of Tennessee as constituted by this act and shall hold regular and special terms of court at Winchester and Chattanooga. The said judge shall possess the same powers, perform the same duties, and receive the same compensation as other district judges. The said district judge shall have the power of appointment and removal of all those officers and employees of the court for the eastern district of Tennessee whose official headquarters are located in the Winchester division and in the southern division of the eastern district of Tennessee and whose appointment is vested by law in a district judge or a senior district judge. The President is authorized to appoint, by and with the consent of the Senate, a successor or successors to said judge as vacancies may occur. Nothing herein contained shall be construed to prevent said judge or his successors from becoming the senior district judge by succession, or from exercising the powers and rights of senior district judge of said district. The judge designated herein to hold regular and special terms of court at Winchester and Chattanooga shall make all necessary orders for the disposition of business and assignment of cases for trial in said divisions. The district attorneys and marshals for the eastern, middle, and western districts of Tennessee in office immediately prior to the enactment of this act shall be during the remainder of their present terms of office the district attorneys and marshals for such districts as constituted by this act.

"(g) The district judge for the middle district of Tennessee shall be the district judge for the middle district of Tennessee as constituted by this act and shall hold regular and special terms of court at Nashville, Columbia, and Cookeville.

"(h) The district judge for the western district of Tennessee shall hold regular and special terms of court at Memphis and Jackson.

"Sec. 2. All provisions of law inconsistent with the provisions of this act are hereby repealed."

Mr. KEFAUVER. Mr. Chairman, the amendment that has been offered takes the Winchester division of the central or middle district of Tennessee, some seven counties, I believe, and places it in the eastern district of Tennessee; then the roving judge, who has already been appointed, and who is already down there, is made a district judge of the eastern district of Tennessee. He is given primary jurisdiction to hold court at Chattanooga and Winchester and he is placed in charge of the docket at those two places. He will be the junior judge in the eastern district of Tennessee.

The senior judge will retain control over everything of a district-wide nature. The junior judge, who will have charge of the Chattanooga and Winchester dockets, will have charge of those employees and officers serving his courts who do not have district-wide authority, and he will have the right of their appointment. This does not include the deputy clerk, as the deputy clerk is appointed by the district clerk and he is responsible to the district clerk.

The quarters are already provided. No new quarters are necessary, no new officers are necessary, no new employees, and there is no additional expense involved. This is a committee amendment which has been passed by the Committee on the Judiciary, and it is submitted as a committee amendment.

Mr. GWYNNE. Mr. Chairman, I offer an amendment to the committee amendment.

The Clerk read as follows:

Amendment offered by Mr. GWYNNE to the committee amendment: On page 6, line 1, after the period in line 1, strike out the next sentence.

Mr. GWYNNE. Mr. Chairman, I will not make any further statement than I have already made on this bill in general debate. The purpose of my amendment is to strike out that part of the committee amendment which makes this temporary judgeship permanent, and this, in my opinion, is the real objection to the bill.

If we intend to follow the policy that we have heretofore adopted, and a policy which I think will mean a lot for the judiciary of the country, I see no reason why we should not adopt this amendment and let this temporary judgeship remain temporary until some situation arises which might then lead the Congress to a different conclusion. I trust this amendment will be adopted.

Mr. JOHNS. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I made a statement here this afternoon that when these judgeships were created there was no limitation placed on the judgeships, except the one down in Tennessee. I have since that time obtained a copy of Public, No. 555,



which is of course the present bill. I find this language, which I quoted to you this afternoon, under subsection (f):

One district judge for each of the following combinations of districts: Eastern and western districts of Arkansas, eastern and middle districts of Tennessee: *Provided*, That no successor shall be appointed to be judge for the eastern and middle districts of Tennessee.

I am satisfied in my own mind that when Congress created these judgeships it had in mind this judge would only be a roving judge, temporarily appointed, and he would never be made permanent. Here is a State with a population of 3,000,000, as stated this afternoon. They had these districts at that time and there was no use of creating as many districts in Tennessee as there is in a State like New York or in a State as large as Texas. What the Congress is doing today, if it passes this bill, is to create a permanent judgeship here when Congress never had in mind that one should be so created.

[Here the gavel fell.]

Mr. KEFAUVER. Mr. Chairman, I do not care to discuss the amendment to the amendment. The matter has been discussed fully on the floor of the House. May I say that this additional judgeship was found necessary years ago. The section has grown very rapidly and the judges have more to do than they have in the average district throughout the United States. I do not think there is any merit in the amendment to the committee amendment offered by the gentleman from Iowa [Mr. GWYNNE].

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa to the Committee amendment.

The question was taken; and on a division (demanded by Mr. HANCOCK), there were—ayes 74, noes 79.

So the amendment to the committee amendment was rejected.

The CHAIRMAN. The question is on the committee amendment offered by the gentleman from Tennessee.

The committee amendment was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. RAMSPECK, Chairman of the Committee of the Whole House on the state of the Union, reported that the Committee having had under consideration the bill (S. 1681) to amend section 107 of the Judicial Code to create a mountain district in the State of Tennessee, and for other purposes, pursuant to House Resolution 530, he reported the same back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the third reading of the bill.

The bill was ordered to be read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

Mr. HANCOCK. Mr. Speaker, on that I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 153, nays 122, answered "present" 1, not voting 153, as follows:

[Roll No. 203]

#### YEAS—153

Allen, La.	Byrns, Tenn.	Cullen	Fries
Anderson, Mo.	Camp	D'Alesandro	Gathings
Barnes	Cannon, Fla.	Davis	Geyer, Calif.
Barry	Cannon, Mo.	Dickstein	Gore
Beckworth	Cartwright	Dingell	Gossett
Bell	Casey, Mass.	Disney	Grant, Ala.
Bloom	Claypool	Doughton	Gregory
Boehne	Cochran	Duncan	Griffith
Boland	Coffee, Nebr.	Dunn	Harrington
Boren	Cooper	Durham	Harter, Ohio
Boykin	Costello	Eberharter	Havener
Brooks	Courtney	Edelstein	Healey
Brown, Ga.	Creal	Edmiston	Hendricks
Bryson	Crosser	Evans	Hennings
Buckler, Minn.	Crowe	Flannagan	Hill

Hobbs	McAndrews	Patton	Somers, N. Y.
Hook	McArdle	Pearson	South
Houston	McCormack	Peterson, Fla.	Sparkman
Hunter	McGranery	Peterson, Ga.	Spence
Izac	McKeough	Reagan	Stegall
Jacobsen	McLaughlin	Rabaut	Sumners, Tex.
Jarman	Magnuson	Ramspeck	Sutphin
Johnson, Luther A.	Mahon	Rankin	Tarver
Johnson, Lyndon	Maloney	Rayburn	Tenerowicz
Johnson, Okla.	May	Robinson, Utah	Terry
Johnson, W. Va.	Mills, Ark.	Romjue	Thomas, Tex.
Kefauver	Mills, La.	Sabath	Thomason
Keller	Monroney	Sasser	Vincent, Ky.
Kennedy, Martin	Murdock, Ariz.	Satterfield	Voorhis, Calif.
Kennedy, Md.	Myers	Schulte	Walter
Keogh	Norrell	Schwert	Weaver
Kieberg	O'Connor	Scrugham	West
Kocalkowski	O'Day	Secrest	Whelchel
Lanham	O'Leary	Shanley	Whittington
Lea	O'Neal	Shannon	Williams, Mo.
Leavy	O'Toole	Smith, Conn.	Zimmerman
Lesinski	Pace	Smith, Va.	
Lewis, Colo.	Patman	Smith, Wash.	
Lynch	Patrick	Smith, W. Va.	

#### NAYS—122

Alexander	Gamble	Jonkman	Rich
Allen, Ill.	Gartner	Kean	Rockefeller
Andersen, H. Carl	Gearhart	Keefe	Rodgers, Pa.
Anderson, Calif.	Gehrmann	Kinzer	Rogers, Mass.
Andrews	Gerlach	Knutson	Rutherford
Angell	Gilchrist	Kunkel	Schafer, Wis.
Arends	Gillie	Landis	Seccombe
Austin	Goodwin	LeCompte	Short
Ball	Graham	Lewis, Ohio	Smith, Maine
Bender	Grant, Ind.	Ludlow	Smith, Ohio
Blackney	Gross	McDowell	Springer
Bolles	Gwynne	McGregor	Stearns, N. H.
Bradley, Mich.	Hall, Leonard W.	McLean	Stefan
Brown, Ohio	Halleck	Maas	Sumner, Ill.
Carlson	Hancock	Marshall	Sweet
Chapfield	Harter, N. Y.	Martin, Iowa	Taber
Church	Hawks	Michener	Talle
Clason	Hess	Monkiewicz	Thill
Clevenger	Hinshaw	Moser	Thorkelson
Cole, N. Y.	Hoffman	Mott	Tibbott
Crawford	Holmes	Mundt	Tinkham
Crowther	Horton	Murray	Van Zandt
Curtis	Hull	O'Brien	Vorys, Ohio
Dondero	Jarrett	Oliver	Williams, Del.
Dworshak	Jenkins, Ohio	Osmers	Wolcott
Eaton	Jenks, N. H.	Pittenger	Wolfenden, Pa.
Elston	Jennings	Plumley	Wolverton, N. J.
Engel	Jensen	Powers	Woodruff, Mich.
Fenton	Johns	Reed, Ill.	Youngdahl
Fish	Johnson, Ill.	Reed, N. Y.	
Ford, Leland M.	Jones, Ohio	Rees, Kans.	

#### ANSWERED "PRESENT"—1

Kilday

#### NOT VOTING—153

Allen, Pa.	Darrow	Kelly	Robison, Ky.
Andersen, A. H.	Delaney	Kennedy, Michael	Rogers, Okla.
Arnold	Dempsey	Kerr	Routzohn
Barden, N. C.	DeRouen	Kilburn	Ryan
Barton, N. Y.	Dies	Kirwan	Sacks
Bates, Ky.	Dirksen	Kitchens	Sandager
Bates, Mass.	Ditter	Kramer	Schaefer, Ill.
Beam	Douglas	Lambertson	Schiffler
Bland	Doxey	Larrabee	Schuetz
Bolton	Drewry	Lemke	Shafer, Mich.
Bradley, Pa.	Elliot	Luce	Sheppard
Brewster	Ellis	McGehee	Sheridan
Buck	Englebright	McLeod	Simpson
Buckley, N. Y.	Faddis	McMillan, Clara	Smith, Ill.
Bulwinkle	Fay	McMillan, John L.	Snyder
Burch	Ferguson	Maclejewski	Starnes, Ala.
Burdick	Fernandez	Mansfield	Sullivan
Burgin	Fitzpatrick	Marcantonio	Sweeney
Byrne, N. Y.	Flaherty	Martin, Ill.	Taylor
Byron	Flannery	Martin, Mass.	Thomas, N. J.
Caldwell	Folger	Mason	Tolan
Carter	Ford, Miss.	Massingale	Treadway
Case, S. Dak.	Ford, Thomas F.	Merritt	Vinson, Ga.
Celler	Fulmer	Miller	Vreeland
Chapman	Garrett	Mitchell	Wadsworth
Clark	Gavagan	Mouton	Wallgren
Cluett	Gifford	Murdock, Utah	Ward
Coffee, Wash.	Green	Nelson	Warren
Cole, Md.	Guyer, Kans.	Nichols	Welch
Collins	Hall, Edwin A.	Norton	Wheat
Colmer	Hare	Parsons	White, Idaho
Connery	Harness	Pfeifer	White, Ohio
Conroy	Hart	Pierce	Wigglesworth
Corbett	Hartley	Polk	Winter
Cox	Hope	Randolph	Wood
Cravens	Jeffries	Reece, Tenn.	Woodrum, Va.
Culkin	Johnson, Ind.	Richards	
Cummings	Jones, Tex.	Risk	
Darden, Va.	Kee	Robertson	

So the bill was passed.

The Clerk announced the following pairs:  
On this vote:

Mr. Martin of Illinois (for) with Mr. Simpson (against).  
Mr. Arnold (for) with Mr. Miller (against).  
Mr. Ford of Mississippi (for) with Mr. Luce (against).  
Mr. Doxey (for) with Mr. Thomas of New Jersey (against).  
Mr. Collins (for) with Mr. Bates of Massachusetts (against).  
Mr. Pfeifer (for) with Mr. Wigglesworth (against).  
Mrs. Clara G. McMillan (for) with Mr. Cluett (against).  
Mr. Barden of North Carolina (for) with Mr. Kilburn (against).  
Mr. Nelson (for) with Mr. Reece of Tennessee (against).  
Mr. Bulwinkle (for) with Mr. Polk (against).  
Mr. Clark (for) with Mr. Dirksen (against).  
Mr. Mouton (for) with Mr. McLeod (against).  
Mr. Fay (for) with Mr. Culin (against).  
Mr. Cooley (for) with Mrs. Bolton (against).  
Mr. Gavagan (for) with Mr. Rutzohn (against).  
Mr. Michael J. Kennedy (for) with Mr. Corbett (against).  
Mr. Warren (for) with Mr. Gifford (against).  
Mr. Sullivan (for) with Mr. Edwin A. Hall (against).  
Mr. Richards (for) with Mr. Guyer of Kansas (against).  
Mr. Starnes of Alabama (for) with Mr. Jeffries (against).  
Mr. Murdock of Utah (for) with Mr. Hope (against).  
Mr. McGehee (for) with Mr. Johnson of Indiana (against).  
Mr. Schaefer of Illinois (for) with Mr. Lamberton (against).  
Mr. Randolph (for) with Mr. Treadway (against).  
Mr. Kelly (for) with Mr. Vreeland (against).  
Mr. Kilday (for) with Mr. Harness (against).  
Mr. Coffee of Washington (for) with Mr. August H. Andresen (against).  
Mr. Vinson of Georgia (for) with Mr. Barton of New York (against).  
Mr. Byron (for) with Mr. Case of South Dakota (against).  
Mr. Ellis (for) with Mr. Ditter (against).  
Mr. Cravens (for) with Mr. Hartley (against).  
Mr. Colmer (for) with Mr. Schiffler (against).  
Mr. Parsons (for) with Mr. Douglas (against).  
Mr. Kramer (for) with Mr. Wheat (against).

#### General pairs:

Mr. Cox with Mr. Englebright.  
Mr. Darden of Virginia with Mr. Mason.  
Mr. Drewry with Mr. Martin of Massachusetts.  
Mr. Cole of Maryland with Mr. Robison of Kentucky.  
Mr. Mansfield with Mr. Welch.

Mr. KILDAY. Mr. Speaker, on this vote I voted "yea". I have a pair with the gentleman from Indiana [Mr. HARNESS], who would vote "nay." Therefore, I withdraw my vote and vote "present."

The result of the vote was announced as above recorded.

The title was amended so as to read: "A bill to amend section 107 of the Judicial Code, to redistrict the State of Tennessee, to provide the duties and powers of the district judges of the State of Tennessee, and for other purposes."

A motion to reconsider was laid on the table.

#### EXTENSION OF REMARKS

Mr. SHANLEY. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein an extract from my statement on the Burke-Wadsworth bill.

The SPEAKER. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

Mr. HOOK. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein an editorial from the Northwestern Lutheran.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

#### PERMISSION TO ADDRESS THE HOUSE

Mr. PATRICK. Mr. Speaker, twice, last week and this week, I had permission to address the House for 10 minutes. On each of those days there was no legislation. I ask unanimous consent that on Wednesday of next week, at the conclusion of the legislative program of the day and following any special orders heretofore entered, I may be permitted to address the House for 10 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

#### EXTENSION OF REMARKS

Mr. HILL. Mr. Speaker, in view of the fact that tomorrow the tax bill is coming up, I ask unanimous consent to extend my remarks in the RECORD and include therein a statement on the tax bill signed by myself and seven colleagues.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. GEYER of California asked and was given permission to extend his own remarks in the RECORD.

Mr. HINSHAW. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein a letter from the Fraternal Order of Eagles, with a resolution. Secondly, I ask unanimous consent to extend my own remarks and include therein a letter from the Walnut Growers of California, with certain inclusions, including short tables.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

To Mr. SNYDER, for the rest of this week, on account of the death of his brother.

To Mrs. McMILLAN, for the balance of this week, on account of illness in family.

#### ORDER OF BUSINESS

Mr. MICHENER. Mr. Speaker, I ask unanimous consent to proceed for one-half minute to ask the majority leader a question.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. MICHENER. What is the program for tomorrow and Friday?

Mr. RAYBURN. Tomorrow the tax bill only and on Friday the so-called wool labeling bill, and that will be all for this week.

Mr. MICHENER. And we will then adjourn until Tuesday?

Mr. RAYBURN. Until Tuesday; yes.

The SPEAKER. Under the previous order of the House the gentleman from Michigan [Mr. HOFFMAN] is recognized for 15 minutes.

Mr. THILL. Mr. Speaker, will the gentleman yield me 30 seconds?

Mr. HOFFMAN. I yield.

Mr. THILL. Mr. Speaker, Sir George Paish, British economist, has recently admitted that he would carry on British propaganda activities in this country. His speaking tour was planned for the purpose of dragging this country into war. There is no more despicable activity than that carried on by Nazi, Fascist, Communist, and British war propagandists who, by fair means or foul, carry on their nefarious business.

Hundreds of alien agents are registered with the State Department and this country is making no strenuous effort to check up on their activities. I propose that immediate steps be taken by Congress to investigate war propagandists in this country and enact legislation to deport them. Nazism, fascism, communism, and British imperialism are foreign to Americanism and these foreign "isms" should not be tolerated in our country. [Applause.]

#### SENATE DECLARES DICTATORSHIP

Mr. HOFFMAN. Mr. Speaker, Wednesday, the 28th day of August, today, should long be remembered by those of us who have the privilege of being in Congress, for today it was that the Senate declared the provisions of the Constitution should no longer prevail in this land of ours and that we should have a dictatorship. That conscription bill you have heard about was under consideration over there and this amendment was proposed and adopted:

The first and second provisos in section 8 (b) of the act approved June 28, 1940 (Public, No. 671), is amended to read as follows—

This is the amendment:

Provided, That whenever the Secretary of War or the Secretary of the Navy determines that any existing manufacturing plant or facility is necessary for the national defense and is unable to arrive at an agreement with the owner of such plant or facility for its use or operation by the War Department or the Navy Depart-



ment, as the case may be, the Secretary, under the direction of the President, is authorized to institute condemnation proceedings with respect to such plant or facility and to acquire it under the provisions of the act of February 26, 1931 (46 Stat. 1421), except that, upon the filing of a declaration of taking in accordance with the provisions of such act, the Secretary may take immediate possession of such plant or facility and operate it either by Government personnel or by contract with private firms, pending the determination of the issue: *Provided*, That nothing herein shall be deemed to render inapplicable existing State or Federal laws concerning the health, safety, security, and employment standards of the employees in such plant or facility.

Mr. GEYER of California. Mr. Speaker, will the gentleman yield?

Mr. HOFFMAN. I yield.

Mr. GEYER of California. I am personally opposed to the conscription bill; but does not the gentleman believe that if we do that with respect to manpower, there is no good reason why we should not also conscript material wealth? Would the gentleman mind elaborating on that?

Mr. HOFFMAN. Of course, we have had conscription of a sort. We have had conscription of property for the last 3 or 4 years in a modified form; but this amendment adopted by the Senate takes property right now without any act on the part of the Congress, without any act on the part of the court. Out of the window goes that provision of the Constitution which declares that the property of the citizen shall not be taken from him without due process. Now, I am sure the gentleman from California realizes that within the last 3 or 4 years we have been appropriating money here, you know, for relief.

No one, or very few anyway, felt free to vote against relief bills because when they did they were charged with being—well, lacking in charity and kindness and all that, and so in a way, by force of public opinion, many were forced to part with property, through taxation, and that was a sort of conscription, do you see? Then you know that money, instead of being used for relief, was used to buy votes.

Now, the administration realizes that the people are on to this spending program and this wasting of money, this spending to save, to create prosperity, those foolish ideas that have not gotten us anywhere, and so the New Deal must have a new issue. In order to be reelected to a third term the President must have a war and with his war he has to have all of the—well, you might say appurtenances or the window dressing that goes with a war.

He not only has been talking about war, not only giving offense to foreign nations by what he said and did, but he has been putting on the stage here in America all of the trappings of a war; he has been whipping up a war spirit. To distract attention from his record of incompetency in domestic affairs he had to create that feeling of fear, of hate, of revenge against Hitler. He had to hold before the people a picture of how close this war was to us and with it he had his demand for billions of dollars which we were forced to vote for, because we could not take the chance of a foreign invasion which he might bring on. He had frightened us half to death, or he had frightened many of the people so that they were after us to vote this money for defense. And we voted it. That was one of the little shows that he brought out on the platform with him when he crowded himself onto the stage of world affairs, and fit companion is he of Hitler and Mussolini.

Then he came along with this conscription bill. Going to take the youth. Now, I am getting to your proposition. Weeks ago—I think I put it in the RECORD, but I know I put it out in the district—my idea of that was that if we are to conscript the youth of the land, if we are to take young men between 21 and 31 and force them to fight away down in South America so that Roosevelt can be our third-term President, if we are going to do that, then let us let the tail go with the hide, as they say out in the country, and conscript property, too. Now, I ask you, do you agree with me? Do you approve of this last paragraph which says that notwithstanding any of the acts of Congress, notwithstanding any laws we have passed on conscription of property and men, that employee standards should remain the same? Do you?

Mr. GEYER of California. I will answer the gentleman like this—

Mr. HOFFMAN. Can you answer that "yes" or "no"?

Mr. GEYER of California. No.

Mr. HOFFMAN. All right.

Mr. GEYER of California. I will say that if we agree the emergency is so great that it is necessary to take men, then we should take property, but I would like to take the property first before we take the men.

Mr. HOFFMAN. And divide it.

Mr. GEYER of California. No. You added that. I did not.

Mr. HOFFMAN. Now, I asked you a question and you did not answer. I asked you this: If there is an emergency which, of course, you assume there is, and you must have that assumption in your mind or you never could justify conscription, but if we are to have conscription of men and property, is there any reason why the men who work in factories should be exempt?

Mr. GEYER of California. No; I agree with you on that.

Mr. HOFFMAN. In my opinion, if you are going to take men to serve in South America or even here in America, when we are not at war, but certainly if there is a war, if you are going to take men for that purpose, is there any reason why you and I should sit here in Congress and draw \$10,000 a year while those men serve for \$30 a month? I will tell you what I favor: If you are going to have conscription, let us have it all down the line.

Mr. GEYER of California. I agree with you 100 percent.

Mr. HOFFMAN. Everyone?

Mr. HILL. Certainly.

Mr. HOFFMAN. Let us all ride on this platform of national defense.

Mr. HILL. But you spoke about dividing the wealth. Of course, we do not believe in that, but when you take a man to be a soldier, do you divide him up? Of course, you do not. You make him serve. That is what we want to do with wealth—to make it serve our country in its defense.

Mr. HOFFMAN. Are you willing to serve in the House for \$30 a month and your board and clothing? I am.

Mr. HILL. Of course not, unless every big industrialist is forced to do the same and forego his excess profits.

Mr. HOFFMAN. Of course not. Why not? [Applause.] I note that after you answered "of course not" you added "unless every big industrialist is forced to do the same and forego his excess profits." I have no objection to the addition.

Mr. SCHAFER of Wisconsin. The gentleman should not worry, because an amendment which I intend to offer will be germane. The Col. Julius Ochs Adler New Deal compulsory military-service bill had a 65-year age limit and exempted Members of Congress from the draft. I propose to offer an amendment to specifically include all Members of Congress up to the age of 65 in the first draft, and let them serve in Uncle Sam's Army or Navy for \$21 a month instead of \$10,000 a year. This draft-wealth amendment incorporated by the Senate will not draft the wealth of Barney Baruch or the multimillionaire warmonger Roosevelts, or any of the warmonger international bankers who are furnishing the money for William Allen White to disseminate war-intervention propaganda.

Mr. HOFFMAN. At the risk of some repetition, let me get back now to the thought I had in mind when I began to speak.

There has been no declaration of war, and, though the administration has been steadily driving toward the involving of this country in war and though it has been guilty of many unneutral acts, Congress has not declared war. True, our Government, under the direction of the President, though not engaging in overt acts of war, has been taking part as an active belligerent by the furnishing of munitions of war. Nevertheless, though the administration has carried on as though we were at war, the people as a whole have assumed or at least they have not realized that we were engaged in war.

The conscription bill pending before the Senate is based upon the President's assumption that inevitably, sooner or

later, the United States must by armed forces become an active and aggressive participant in that war.

The President realizes only too well that the record of his incompetency, his waste, and his extravagance, the use of Federal power and money to sway the voters, has caught up with him. He realizes that his spending, his patronage, the powerful inducement which he and his supporters can hold out to the voters are not sufficient to re-elect him for a third term. He knows that only as he is successful in making the American people believe that they are in danger from an invasion by Hitler and in further convincing them that he is the only man competent to guide us through such an emergency can he hope for a re-election. Without a re-election his drive to do away with our constitutional form of government; to establish him as absolute ruler must fail; to accomplish his purpose a war or a fear of war is necessary. Hence, he not only engages in provocative acts and utterances, utterances and acts which would tantalize a far more patient man than Hitler into action, but he sets in motion here in the United States all of those activities which ordinarily accompany and are a part of a war.

On May 16, in his address to Congress, he pointed out that this country was in danger of invasion by Germany from Greenland, from the West Indies, from South America, and that St. Louis and Kansas City and Omaha were only 2¼ hours from what might be German bombing bases.

He followed that by a demand for something like \$10,000,000,000 for national defense, and Congress yielding to his demands, gave him the money; then came the demand for the conscription of the youth of our land and for the placing under his authority of the National Guard. First disguised as a preparedness measure, it now has developed into a demand for the creation of a standing army of over a million men, with authority to use that force anywhere in the Western Hemisphere.

Today, apparently confident that he is firmly seated on a throne, with absolute power at his disposal, there went through the Senate the amendment to the conscription bill which I quoted, and by which the provision of the Constitution protecting the citizen in his right to property is abrogated, and the President is more securely seated on his throne in the White House.

Not long ago there was slipped through the House by subterfuge a somewhat similar amendment. That grant of power also went through the Senate but there was a promise made in the House that it would be repealed. But today the administration obtained passage by the Senate of the amendment I have quoted. That amendment gives the President of the United States, through the Secretary of War and through the Secretary of the Navy, the power and the authority to take over private property at discretion.

What is there left of constitutional liberty here in the United States when this bill as amended is once signed by the President? Men can be taken from their homes, from their businesses, and drafted into the United States Army. Thus in times of peace, the property of the individual can be taken from him at the President's discretion.

One thing the bill does do. Note the last sentence, it is this:

*Provided, That nothing herein shall be deemed to render inapplicable existing State or Federal laws concerning the health, safety, security, and employment standards of the employees in such plant or facility.*

Do you get the meaning of that; the youth of the land are to be taken from their homes and to be, at the President's discretion, sacrificed on the battlefields of the western continent; yes, anywhere in South America; but those who remain at home as employees in factories shall continue their work in places of safety at the same rate of pay under the same hours as though no emergency, no war, existed. Why this proviso—it was to secure the support of the so-called labor vote—that is, the organized labor vote—the vote of the men who are working in factories. In short, American manpower, American property is to be conscripted. The lives of draftees are to be endangered, the property of the home-

owner is to be taken from him, but none of the President's social reforms, so-called, are to be disturbed. France met disaster under that theory. The administration is following the same road.

If men are to be conscripted in time of peace, and I intend to vote against peacetime conscription, I see no reason why a like sacrifice should not be demanded of property owners, those who remain at home in safety and in comparative comfort. And a like sacrifice of factory workers. Why not all get in the same boat?

A week ago I suggested that if loyal Americans were to be conscripted and required to serve for \$30 a month and if the Communists and their "red" sympathizers and those of us who were not drafted were to remain at home, some drawing wages or salaries many times that of soldiers, we should make conscription universal and that doctors, lawyers, clerks, merchants, farm workers, should then submit to Federal regulations which would give to them clothing and shelter and \$30 a month compensation during the duration of the emergency. In this classification I would include not only those mentioned but I would include Congressmen and Senators.

I would include every Federal official, the President of the United States and his wife, the Members of the Cabinet, the new dealers, and all of their communistic friends. Such a provision in the conscription law would quickly end the propaganda for war and conscription. If the need of our country is so great that we must again send an army across the seas, then let all who remain at home make not a like sacrifice for that would be impossible, but let them be required to do their part and undergo the same hardship and make the same sacrifices as near as may be to those made by the draftees.

If such a requirement was made there would be fewer votes for conscription, for involvement in the foreign entanglement against which Washington warned us. And out of the picture would go Roosevelt, his dream of a third term, his obsession of being ruler of the Western Hemisphere.

Mr. Speaker, there are others who want to speak now, and I yield back the balance of my time. [Applause.]

The SPEAKER pro tempore (Mr. GORE). Under the previous order of the House, the gentleman from New York [Mr. FISH] is recognized for 15 minutes.

Mr. FISH. Mr. Speaker—

Mr. HILL. Mr. Speaker, will the gentleman yield?

Mr. FISH. I yield briefly.

Mr. HILL. Mr. Speaker, I ask unanimous consent to extend my remarks at the point where I answered the gentleman from Michigan, if I may.

Mr. HOFFMAN. Mr. Speaker, reserving the right to object, I do not know what the gentleman is going to insert.

Mr. HILL. I am going to explain that I have other expenses, just as the gentleman has; and, secondly, that I am willing to be taxed to the limit on my salary.

Mr. HOFFMAN. The gentleman will put them in at that place and give me a chance to see them?

Mr. HILL. Yes.

Mr. HOFFMAN. So I may revise what I said after that?

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington? [After a pause.] The Chair hears none, and it is so ordered.

The Chair recognizes the gentleman from New York [Mr. FISH].

Mr. FISH. Mr. Speaker, I have taken this time most reluctantly at this late hour. I understand there will be no other chance to speak until after the end of next week, or within the next 10 days, and I want to answer certain charges that have been published in the press against the National Guard. Before I do so, however, I wish to refer very briefly to some remarks made by the majority leader, who tried to take the Republicans to task this morning by pointing out a conflict of opinion between Wendell Willkie and Senator McNARY in their acceptance speeches.

I wonder what the majority leader would have to say about a statement that appeared in today's paper by Elliott Roosevelt, one of the sons of the President, who, in speaking about



our attitude toward Great Britain and what it should be, has this to say:

Your battle is our battle. If you need 10,000 planes and 20,000 pilots you can have them. If you need 100 destroyers we will build them for you.

I wonder if there is any conflict between the opinions of Elliott Roosevelt, the son of the President, and the President of the United States? I am reminded of the Biblical saying—

The voice is Jacob's voice, but the hands are the hands of Esau.

I am inclined to believe that the hands are the hands of Elliott Roosevelt, but the voice is the voice of the President of the United States.

Mr. SCHAFER of Wisconsin. Mr. Speaker, will the gentleman yield?

Mr. FISH. I yield.

Mr. SCHAFER of Wisconsin. Mr. Elliott Roosevelt might be interested in selling the British airplanes. If the gentleman will come to my office I will take him down to a safety deposit box and show him the affidavit of Anthony H. S. Fokker before the Senate committee investigating the munitions industry on September 18, 1935, in which he testified that he, Mr. Fokker, was to receive \$500,000 and Elliott Roosevelt \$500,000 commission on the sale of 50 Lockheed-Douglas military airplanes to the Russian Communist butchers in Moscow. The commission for Elliott Roosevelt was excessive, Mr. Fokker stated in his affidavit, because Elliott Roosevelt said that he could hijack the United States Treasury through the Export-Import Bank and get the money for the purchase of the planes into the hands of the Russian purchasing commission and put sufficient pressure on the commission so that it would buy those planes. Mr. Elliott Roosevelt is no doubt speaking as an ace military airplane salesman.

Mr. FISH. I thank the gentleman for supplying the motive. I was not aware of the motive, but I am convinced that both the President and his son, Elliott, are of one mind on intervention and war.

Mr. SCHAFER of Wisconsin. Jimmy will no doubt insure the planes, as he did the "clipper" planes of the Pan American Airways, which received Government subsidies of millions of dollars from the New Deal. Many of the planes for the British mentioned by Elliott Roosevelt in the press article which the gentleman has referred to will no doubt be sold by Elliott, insured by Jimmy, and equipped with vanishing cream, beauty rest mattresses, and Sweetheart soap by Eleanor. [Applause.]

Mr. FISH. Mr. Speaker, an article appeared in the Washington Times-Herald of yesterday, an anonymous letter published upon the front page, supposed to be written by a member of the National Guard who had taken part in the war maneuvers held in the northern part of New York last week. This anonymous letter makes certain specific charges against the guard and the failure of the guard in those maneuvers.

I happened to have attended those maneuvers in my capacity as a colonel in the Reserves, and also as an observer and liaison officer directly for Lt. Gen. Hugh A. Drum. I believe those maneuvers demonstrated the highest kind of morale and spirit among the officers and men. The maneuvers themselves were a great success from every point of view. These charges that have been made by this unknown guardsman in my opinion are utterly unwarranted, absolutely false, and I believe deliberately malicious. He goes on to say that something like three-quarters of his outfit were sick with ptomaine poisoning. The record shows, and we can only go by the record, that sickness in that maneuver consisting of 100,000 men of the National Guard, Regular Army and Reserve officers was less than one-half of 1 percent, whereas the average sickness in maneuvers of this kind runs around 2½ percent.

I had an opportunity probably more than anyone there to cover all the different units because I had a car put at my disposal and I was regarded as a neutral and could go wherever I wanted to. I went to corps headquarters, division and brigade headquarters, to regimental post commands, to the front-line battalions, and the outposts. Day and

night I was in touch with both the officers and the men. I knew of no insubordination whatever or never heard of any until I read the anonymous letter in the Times-Herald. The charges that are made against the morale, discipline, and efficiency of the National Guard should be answered, because the attention of Congress has been called to them specifically by the Times-Herald. Mr. Speaker, I want to take this opportunity to say that there are no more loyal Americans than the members of the National Guard. [Applause.] They have proven their loyalty. They proved it long before those of us who are now so interested in national defense due to war hysteria began even thinking in terms of national defense. They sacrificed their time and their jobs because they believed in national defense years ago, and they volunteered and served in the guard. There is every reason to believe that those volunteers make better soldiers than those who are forced to serve even against their will, as they would be by any conscription in peacetime.

In comparison to the Regular Army the enlisted men of the National Guard are of a higher type than that of the Regular Army and given the proper equipment and adequate training the National Guard man will make a better soldier than those in the Regular Army. I doubt if that statement will be denied by any well-informed Regular Army officer.

I am a Reserve officer with the kindest possible feeling toward the Regular Army. I was brought up opposite West Point and I know a great number of Regular Army officers and have faith in them. I do not think you will find a higher type of citizen in the United States than our Regular Army officers, but there is much to be desired among those who have enlisted in our Regular Army. As between the enlisted men of the Regular Army and the National Guard I will take the National Guard every time.

In these maneuvers, of course, there was a sad deficiency in matériel. We did not have sufficient tanks, antiaircraft guns, airplanes, and antitank guns, but as far as the maneuvers were concerned they went off like clockwork. The staff work was excellent, the troops were transported there, fed, clothed, and put in the line with little or no confusion.

They carried out their mission according to the plans of General Drum and his staff, and I have not one single word of criticism after 2 weeks spent as an observer at those war maneuvers, the greatest single war maneuver ever held in the United States in times of peace or since the World War. I hope the other war maneuvers in other sections of the United States will be as successful as those that were held in the northern part of New York State.

General Drum asked me to submit a report, which has nothing to do with the charges that were made by this anonymous guardsman. Let me say about this guardsman: He was a member of the Twenty-ninth Division, a Maryland-Virginia division, which confronted the First Regular Army Division, supposed to be the crack division of the United States Army. It was a motorized division, by the way. Some of the Regular Army officers thought that the First Division, being motorized, and a part of the Regular Army, would overrun the Twenty-ninth and Twenty-eighth National Guard divisions, which were opposing them. Just the opposite occurred. The motorized division took the defensive and got out of touch with the Forty-third Division on its flank. The Maryland-District of Columbia-Virginia outfit, the Twenty-ninth, and it happened to be the Fifth Maryland Regiment, seeing the opening, seized the opportunity to get into the rear of the First Division, and captured the bridges in its rear over which it had crossed. The Twenty-eighth Pennsylvania Division outflanked the First Division on the other flank and took 300 of its trucks. Within 24 hours after the battle had commenced the First Regular Army Division was completely surrounded and would have been destroyed except that for the purpose of carrying on the maneuvers the umpires had to let it get back into its original position.

That is nothing against the First Division, but it is something in favor of the National Guard divisions, their officers and staff, and particularly the Twenty-ninth Division. We

have in this House as Assistant Parliamentarian Lieutenant Colonel Roy, who took part in those maneuvers. He is a lieutenant colonel in the Twenty-ninth Division of the District of Columbia Guard. [Applause.] I have discussed this matter with him, and he is in entire accord with my views that these charges are utterly unwarranted and are false. I believe they are deliberately malicious. It may be a planned attempt to undermine the confidence of the Members of Congress in the National Guard, because this was called to the attention of the Members of Congress, maybe in order to turn them in favor of some kind of conscription as opposed to the volunteer system.

Mr. Speaker, in the time remaining to me I want to read a report that I wrote for General Drum, through the channels, on the maneuvers held last week in northern New York. It is, as follows:

HEADQUARTERS DIRECTOR,  
FIRST ARMY MANEUVERS,  
Canton, N. Y., August 22, 1940.

To: Col. C. W. Wickersham, Infantry Reserve.  
From: Col. Hamilton Fish, Special Reserve.

The military-training program organized and conducted by Lt. Gen. Hugh A. Drum during the month of August in St. Lawrence County, in northern New York, far surpassed anything of its kind since the World War.

The war maneuvers simulating actual battle conditions for three Army Corps consisting of approximately 100,000 men composed of elements from all branches of the service, including Regular Army, National Guard, and Reserve officers, was conducted with great skill and efficiency, and run according to a prearranged schedule with clocklike regularity.

The transporting, feeding, and providing for an Army of 100,000 soldiers in peacetime is a difficult problem in itself. There was not a single hitch in this program essential to the success of large military maneuvers.

The actual battle maneuvers that followed the preliminary training were conducted in such a realistic manner that both officers and men learned from actual experience under battle conditions to put into effect what they had acquired from months and years of military training. This combat exercise following preliminary military training is invaluable and absolutely essential in order to train an army to meet any potential enemy.

The largest peacetime maneuvers held in the United States since the World War were run smoothly, intelligently, and with a minimum of confusion, and were highly instructive and of great military value in promoting the national-defense program and the actual defense of our country.

The spirit shown by officers and men throughout the maneuvers was excellent. The entire personnel were imbued with a desire to learn the art of war which was demonstrated by the intense interest and cooperation shown by all elements of the service participating in the maneuvers.

One of the indirect results of the large-scale peacetime maneuvers was to promote a better understanding, respect, and cooperation between Regular Army, National Guard, and Reserve officers, and of equal importance the appreciation of our armed forces by the press and the public. The peacetime maneuvers were conducted in such an admirable manner as to gain the confidence and the support of the American people who are vitally interested in national defense.

#### RECOMMENDATIONS

A. Immediate appointment of an appropriate Army Board to consider and report on the adoption of a uniform for both officers and enlisted men. Present uniforms are lacking in uniformity and have little or no camouflage in the field. In addition the uniform of the enlisted men are far from smart and that of the officers far from being uniform.

B. Equipment. New Allis-Chalmers tractors for 155 G. P. F. so hastily constructed that they are literally shaking the bolts out everytime they are used. Tractors with 60 hours' use are almost unserviceable. The exhaust pipe on the hood permits noxious gases to blow into the driver's face making him ill. Immediate investigation urged before large numbers of these tractors are ordered.

C. Stress the importance of continued training in establishing more adequate, intelligent, and speedier liaison between front-line battalions and the air service. Room for much improvement, practice, and coordination.

D. The use of tanks and motorized artillery and infantry into compact, rapid, hard-striking units to envelop the flanks of the enemy or to break through the center in order to disrupt the rear communications is of major importance and ought to be immediately put into effect by the War Department.

E. Artillery psychology needs shaking up in order to attune to the use of tanks, armored and scout cars and the possibility of effecting heavy and critical losses on attacking enemy infantry and cavalry by direct fire at 1,000 to 1,500 yards when field of fire affords opportunity. Use of artillery should be more aggressive and more flexible.

F. The liaison from division and brigade to front lines should be more effective. The regimental commander often has no idea of the location of the brigade or division CP. There should be

more motorcycles assigned to both division and brigade headquarters. Both division and brigade should take more initiative and go after information instead of waiting for it.

G. The northern section of New York State has proved to be admirably adapted for war maneuver purposes and training during the summer months.

Strongly urge the immediate expansion of Pine Camp, N. Y., by acquisition of 50,000 acres of additional land to make it an effective and permanent artillery training center. Also, the acquisition of 200,000 acres of land by the Federal Government or State, 20 miles south of Pine Camp for permanent maneuver grounds. This land is well adapted to maneuvers and training purposes, consisting largely of abandoned or poor farms and can be bought at a comparatively small cost. There is available a stretch of land 30 miles from north to south and 18 miles from east to west. I am convinced, after inspection, that the best interest of both the State and Nation would be served by immediate purchase of these lands in order to establish a permanent military training and maneuver site in northern New York irrespective of the developments in Europe.

HAMILTON FISH,  
Colonel, Specialist Reserve.

In conclusion, Mr. Speaker, I want to take this opportunity to say that the American volunteer, given adequate training and equipment, is the equal, if not the superior, of any soldier in any army in the world. [Applause.]

[Here the gavel fell.]

Mr. FISH. Mr. Speaker, I ask unanimous consent to revise and extend my own remarks in the RECORD and to include the report to which I referred.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York [Mr. Fish]?

There was no objection.

The SPEAKER pro tempore. Under a previous special order, the gentleman from Michigan [Mr. Woodruff] is recognized for 45 minutes.

#### THE RIGHT OF FREE SPEECH

Mr. WOODRUFF of Michigan. Mr. Speaker, sometime ago I had occasion to address this House in protest against an unfair and un-American attack on the character of a man who winged his way over the ocean to France. Alone, unaided except by his supreme and magnificent faith, he wrote a saga of the air, and embellished and emblazoned by his heroic exploits one of the most shining pages in American history. I rose on the other occasion to deliver my remarks in defense of this man's right to speak his views, not because he needed my humble defense, but because my own ideals of Americanism, and my own sense of decency and fair play impelled me to speak.

Again I rise in this Chamber, Mr. Speaker, to address my colleagues not in defense of the Lone Eagle, but in defense of the fundamental right of free speech. It is true that again Col. Charles A. Lindbergh is one of the individuals involved. But I want to say to you, sir, that every restriction sought by the New Deal administration or by any others to be placed upon the freedom of speech of Col. Lindbergh, every limitation sought to be laid upon his rights, as a citizen, to express his sentiments and his views, every false insinuation leveled at him, every unfair epithet applied to him, is fundamentally directed at every citizen in these United States who believes in his or her right to express opinion or sentiment upon those matters which vitally concern them.

We must remember that we cannot limit the speech of one without potentially limiting the speech of all. The moment we accept in this country the technique of character assassination in order to prevent free and frank discussion, we have set up that weapon of character assassination not against one citizen of this Nation alone, but against all citizens of this Nation. If such a technique were accepted in this country, it would be a technique not against an individual or a political party, as such, but against the whole Constitution and the Bill of Rights.

The first time Colonel Lindbergh was attacked for his addresses, it might possibly have been ascribed to an unwise overzealousness on the part of the New Deal proponents. But it has happened again. There is a singular, and exceedingly sinister, aspect of this second attack which I believe the members of this House will see as I see as a deliberate, dangerous, unfair, and un-American practice which has grown



up in the New Deal administration. Almost as soon as it became known that Colonel Lindbergh was going to deliver an address over the air, and 2 days before he did so, the New Deal appointed one of its ablest spokesmen to answer Colonel Lindbergh, even before the administration possibly could know what he was going to say. Now, what does this mean? What does it indicate, Mr. Speaker?

You will recall, sir, that following the President's attempt to pack the Supreme Court, his vengeance and that of his anonymous cohorts sought to satisfy itself by the purging of those Senators whose patriotism and innate integrity prevented them from yielding to the demands of the Chief Executive that they strike down the independence of the judiciary. The new dealers boasted that they were going to purge those men. They were to be liquidated from public life, said the White House janizaries. These administration "hatchet" men were, as Col. Hugh Johnson would say, going to do an "ax" job on them. Where did these new dealers get their terms of "purge" and "liquidate?" Why, Mr. Speaker, those terms came across the seas from the delectable Mr. Stalin's terror-ridden Russia. Those terms fell from the lips of the fellow travelers who infest the New Deal bureaucracy from end to end.

I see in this second dastardly and cowardly attack on Colonel Lindbergh the policy of purging and liquidating official opponents and critics being extended to the citizens in private life who dare to disagree with this arrogant bureaucratic power in Washington that calls itself the New Deal administration.

I see in this attack on Colonel Lindbergh, Mr. Speaker, an attempt to do an "ax" job on him, just as these new dealers are ready to do an "ax" job on me or you or anybody else who dares to raise his voice against their policies.

Deliberate and inexpressibly shameful falsifications are involved in this second attack on Colonel Lindbergh. There was not a single administration spokesman in official position or out of it who charged Colonel Lindbergh with being biased in favor of the Nazi Government because that Government had decorated him, who did not know the truth about that episode. Why, Mr. Speaker, the whole Nation knows that decoration was unsought and unexpected by Colonel Lindbergh. It was suddenly thrust upon him at a function in the American Embassy under circumstances that to have refused to accept it would have been grossly insulting to a government that was at peace with his own and which was his host. Although his critics might not be able to understand this fact, Colonel Lindbergh, in addition to being a brave and able man, is an American gentleman.

The fact of the matter is, and the whole of America knows this, Colonel Lindbergh has medals from every country in the world. It takes showcases in the St. Louis Museum even to display his collection of medals. When his would-be detractors employ that argument to try to discredit Colonel Lindbergh, they are not saying what he would do for a medal; they are revealing what they would do for a medal.

Now, Mr. Speaker, what does this attack mean? What are we to see in this assault upon a brave and able and an honorable and patriotic gentleman who not only does not have to seek medals, who has been loaded with honors by every nation in the world, but who, instead of seeking publicity, as his traducers intimated, has gone to the most unusual lengths to avoid publicity? What does it mean? It means that there is not an individual, priest or layman, man or woman, great or humble, who cannot expect to be "smeared," and to have an "ax" job done on them by these new dealers if they dare to criticize a single act of this corrupt political bureaucracy which sets itself up as being sacrosanct.

Now it matters not at this time whether Colonel Lindbergh was right or wrong in his statements; but it does matter that because he disagreed with the administration one of its official spokesmen should declare him to be the leader of the "fifth columnists" in this country.

A "fifth columnist" is sometimes a traitor, and always a menace to a country. Colonel Lindbergh has not sold out to any country. He is pro-American. But he disagreed with

the present administration, and is, therefore, in its view, dangerous. For a second time, deliberately and unfairly, it was pointed out that he received a medal from the Nazi Government. Such innuendo is deliberately false.

It is interesting to note that there is a consistency in these attacks on Colonel Lindbergh and others who have the honesty and courage to disagree with some of the policies of the present administration. The papers announced 2 days before the speech an administration spokesman would answer on the night after the Lindbergh talk.

What does this mean? It means that the administration has a well-planned and subtle technique in which anti-administration speakers are to have the finger of shame pointed at them in an underhanded attempt to discredit what they say. They are to have the dagger of innuendo plunged into their backs to the hilt. They are willing to strike at the very heart of our great constitutional Republic—the right of free speech. They do not attack the arguments of Colonel Lindbergh. There is no fair discussion. They do not directly deny the right of Mr. Lindbergh or others to speak. The attack is much more insidious than that. They rank the man who dares to disagree with their policy with Judas, with the Benedict Arnolds of the past, so that he who disagrees must be doubly brave to withstand not only attacks upon the principles for which he argues but upon his character and reputation as well.

What is the underlying principle back of this attack? Five years ago there were men in Germany who disagreed with the policies of the leader. They were accused of being traitors to the fatherland. Does not this attack on Colonel Lindbergh seem strangely parallel? This type of political technique to eliminate opposition to the leader is very familiar in Russia also, where permanent liquidations of those opposed to administration policies take place regularly. Invariably they are "traitors," or "fifth columnists," because they disagree with the policies of the "leader." This is a criminal offense in Russia and Germany.

And who in this House can deny that the basic principles of Government administration in Russia and Germany are not the same? Who can deny that their leaders reached their power by the same methods? Of course, we in this country have no concentration camps, no Siberia, but do we not have the beginnings of such—when those who disagree with the present administration are held up to the public scorn of the people as traitors? Does there not seem to be a similarity in principle between the actions of the dictators in Europe and the trend of the defenders of administration policy in this country?

We should all have deep respect for the right of free speech. We know that it has been won through oceans of blood; through thousands of individual sacrifices by obscure persons unknown to history, who realized that their only hope for the peace, prosperity, and happiness of their posterity could come through free speech. For with free speech came liberty automatically, and with liberty came opportunity and the right to work and to acquire possessions. That right has made this country the most enlightened the world has ever known.

Free speech made possible the creation of our Constitution. How without daring free speech could our founding fathers have formulated the document that for 150 years has been the marvel of men, the foundation of the security of the people of the United States, and the envy and the hope of the down-trodden people of Europe?

In this country we have had cases where known Communists, working for the definite destruction of our Constitution, were haled into court. They have successfully used for their defense the claim that their constitutional right of free speech was being denied them. These leaders of the present administration were silent in these cases. They did not name such persons "fifth columnists." It is to be remembered, however, that the Communists did not publicly disagree with the administration.

This, I believe, is the first time in our history that a man disagreeing with an administration has been placed in the hateful category of "traitor." Thomas Jefferson, to be sure,

was called an anarchist. Alexander Hamilton was named "the Kingmaker." Our fifth President was called "Monarch" Monroe. But at no time was there ever any hint that these men did not have the best interests of their country at heart.

Without free speech the path toward totalitarian government becomes broad and easy. The first and most powerful obstacle to such a government, is free speech. Without it the acquisition of power in the hands of one man becomes easy.

We have seen how centralization of government obtained in totalitarian countries. We know that they were founded upon a strong tax on production by the central government and by the obliteration of free speech. This latter was made possible by arbitrary censorship of public means of communication; by the decision of one man as to whether a radio program or a pamphlet or a speech was good or not good for the people. This attitude was stimulated by the constant cry of "traitor" by the defenders of the leader toward those who disagreed with them.

In the past 8 years the whole administration has tended to become strongly centralized. While praising Thomas Jefferson as the great Democrat, it has belied the very essence of his political creed. I refer, of course, to local autonomy in government so that the people may be protected from the tyranny of bureaucratic rule. "That government rules best which rules least," said Jefferson. And yet today we have more government than ever before in our history. And now this trend has reached the point where spokesmen of the New Deal faith accuse those who disagree with them of being "fifth columnists."

This attitude undermines the very foundations of the principles upon which our Government is based. The major doctrine of our political system is the inviolability of the individual. This is at stake today. The pattern and form of our Government is that of a representative Republic, based upon the Bill of Rights.

Countertrends to the Bill of Rights undermine and emphasize those policies destructive to the freedom of the people.

It is absolutely vital to this Nation that the right of free speech be sustained and not abused by false accusation and witnesses.

The big issue confronting us today is concentration of power, and free speech is the people's weapon against it. The power of the people, both political and economic, has been aborted in its distribution. Power belonging to the citizens of this Republic has been taken from them. It has been delegated to individuals and bureaus. To preserve the Constitution and continue the progress we have made in the past these powers must be given back to the people.

Definitions of the issues must be clarified by free discussion and not confused by name calling. The old American principle that government is a liability to be borne by the people for the sake of peace and order has been smeared over by a new concept of government contrary to our ideals and our faith. This new—or rather very ancient—concept maintains that bureaus and the power of one man are assets without which the people cannot survive. To follow out this concept means the growing centralization which we have today.

The idea is not new. For 5,000 years of government it bore monotonous repetition in all nations. It remained for the members of the Constitutional Convention to figure out a working mechanism of government conformable to the laws of human liberty.

Yet we have seen the power of the people taken from them and placed in the hands of irresponsible bureaucrats not even elected by them. We have been told that this must be because things are not as they were; that opportunity has disappeared in this country; that we have reached the limits of our growth. Is this true? And if it be true, must we forego the liberty and the productive enterprise that have made us a Nation with the highest standard of living the world has ever known? Must we now follow the already well-beaten track of European war lords? Must this philosophy of defeat be silently admitted so that those of us who do not agree will avoid the stigma of being called "fifth columnists"?

Today we face major problems. The decisions that we make will affect not only this Nation but the history of the entire world. To accuse a man who disagrees with you of being a traitor in an effort to silence all opposition to a concept of government at variance with the whole spirit of the Constitution is not conducive to constructive thought nor helpful in making those decisions which is our responsibility as legislators.

To thus try to silence free speech is to place this administration and its leaders above the great contributors of political thought who have made this Government possible. The Constitution is based entirely upon the responsibility of the Government to the citizen, while the citizen supports the Government. To take away his power in government, to foist weighty and intricate rules made by equally anonymous and intricate bureaucracies upon him, and then, if he disagrees, to call him traitor is to destroy the basic idea of self-government.

Our old leaders whom we revere were not wrong. Were Jefferson, Washington, Monroe, Jackson, Lincoln wrong because they believed in self-government and free speech?

Mr. Speaker, to abuse and threaten free speech is the road to dictatorship. The trend is obvious to those who will look. More and more is the emphasis placed upon the leader instead of his policies. Hence the third-term attempt. More and more is the power of the people placed in his hands. The very reason for a Constitution eventually disappears as such a trend progresses.

Our Constitution was created to prevent the giving of too much power to any one man. If this power be given to him despite this, then there is no need of a Constitution, and self-government of, by, and for the people becomes an empty phrase over which historians can speculate a century hence.

For it is not the "forgotten man" that we must worry about today. It is the forgotten Constitution, and its principles, we must remember. It has lived for 150 years. That is longer than any written Constitution has ever lived in the history of the world. Under it, a tiny nation, sneered at by arrogant European governments, grew and prospered beyond all reckoning. It grew from 3,000,000 people to 130,000,000 in a century and a half, one hundred and thirty millions who enjoy today the highest standard of living the world has ever known. Our culture is so far superior to that of any other nation as to be beyond comparison, and it is today the responsibility of the House of Representatives that it be maintained.

We attained our present standards not by the orders of a leader or by the arrogant regulations of bureaucracies, but by free speech and all those things that follow where free speech leads. The heart of free speech and its principles rest in this chamber, and I predict that the powers granted the bureaucracies and the New Deal will be given back to the people through the actions of this House. For I think we are all aware that freedom of spirit in this country follows only fair assumptions by one man about another, or by one nation about another; and they are, by and large, Christian assumptions based on sincerity and honesty. These things being true, it ill behooves anyone to accuse another of being a "fifth columnist" because he dares voice his sentiments as a citizen. The action is not American in thought. It is European in concept and is contrary to our whole idea of government and the spirit of our Constitution. And it is not quaint, though some may think so, to admire and respect our Constitution, for it remains the most dangerous document to dictators in the world today and its essence is free speech. [Applause.]

The SPEAKER pro tempore. Under a previous special order, the gentleman from Nebraska [Mr. CURTIS] is recognized for 15 minutes.

#### FARM CONDITIONS IN NEBRASKA

Mr. CURTIS. Mr. Speaker, on several previous occasions I have called the attention of the House of Representatives to the extreme drought conditions existing in many of Nebraska's counties. I trust that I will not bore the House by further discussing that situation at this time. Over a wide-



spread territory in the heart of Nebraska the farmers are experiencing their seventh consecutive year of total crop failure. There were some spring rains this year and the prospects for wheat and other small grain at one time looked very good but another devastating drought came and for many sections there was no wheat or other grain at all. On one previous occasion I told the House of Representatives of the information handed to me by a local representative of the Federal land bank, located at Hastings, Nebr. This organization had leased out 97 farms and they report to me that the total income for wheat for those 97 farms was \$403, or less than \$5 per farm. In addition to that, the corn was entirely burned up and there would be no corn at all. It was destroyed by the drought long before the formation of ears on the stocks began.

This has created a great shortage in feed. This serious situation exists not only for the farmer who has had to receive Government help in the past, but it is a far-reaching problem that touches all of the farmers. It is resulting in the drying up of the milk cows, and the intense heat in some instances has thrown the hens in the farm flocks to an early moult, thus greatly lessening the number of eggs received. The price of corn and of forage feed is very high, so that it is practically prohibitive for the farmers to buy it on their own. Many farmers are compelled to sell their milk cows and the price is running around \$21 per head.

Unless some arrangement is made to send feed into this territory it will mean that a great many farmers will have to dispose of all of their cows, pigs, and chickens, and go on relief. This not only creates a very disturbing and serious problem for the coming winter, but it means that they will be unable to carry on on a self-sustaining basis when another season arrives.

I proposed to this Congress that surplus corn now in Government storage be released in this drought area in sufficient quantities, so that the family-type farms may keep their milk cows and a few hogs over the winter to start in with next year, and that they may feed their flocks of chickens. We are not asking that the Government make an outright gift of this corn but we feel that these drought-stricken American farmers should be permitted to buy this corn on the same basis as foreign countries buy it. Recently the United States Government sold approximately 50,000,000 bushels of corn to Great Britain at 50 cents a bushel. In the name of humanity and in all fairness I cannot see why these distressed American citizens are not allowed the same privilege of taking some of that surplus corn off the market.

Another proposal that has been made is that the farmers be permitted to borrow corn from the Government. They could then give a contract to pay which contained an option that they would repay in bushels, instead of dollars, in a period of 3 to 5 years. The amount of corn that any farmer would be allowed to be based upon the acres of corn planted this year. It has been suggested that he be permitted to buy say 10 bushels per acre, based upon the amount of corn that he planted and took care of. This is far less than what a normal yield of corn would be. Such a plan would mean everything to the distressed farmers of Nebraska. But in addition to that, think of the gain that would come to the United States Government. It costs the Government of the United States about 10 cents per bushel per year to keep this stored corn. The Government would save that amount, and at a later period receive the same number of bushels of corn. I am informed that the Government of the United States owns outright at this time about 95,000,000 bushels of corn.

The last-mentioned plan for the borrowing of corn has been suggested to me by a number of farmers and other citizens of Nebraska. It was first proposed by Mr. Hugh Butler, prominent farmer and businessman. It has met with the approval not only of Nebraska farmers but many of the public-spirited citizens of Nebraska. They believe that this Butler corn-loan plan is worthy of sympathetic consideration by the Department of Agriculture.

Yesterday morning I spent the time at the Department of Agriculture discussing the condition of these drought-stricken

farmers and urging that feed be made available to them along the line that I have suggested. I talked with a number of men in the Department of Agriculture. In the absence of Mr. Milo Perkins, of the Federal Surplus Commodities Corporation, I talked to the vice president, Mr. Philip F. Maguire. He gave careful and sympathetic attention to my mission there and made some helpful suggestions. I was unable to personally see either Mr. Carl B. Robbins or Mr. John D. Goodloe, of the Commodity Credit Corporation.

I also had an interview with Mr. G. S. Mitchell, assistant to Mr. Baldwin in the Farm Security Administration. Mr. Mitchell was familiar with the drought condition prevailing throughout my territory and while the plan I proposed was not entirely within the jurisdiction of the Farm Security Administration, I did appreciate the kind attention he gave to the matter.

Mr. Claude R. Wickard, the newly appointed Secretary of Agriculture was out of the city and will be out until after Labor Day. I had an interview with the Under Secretary of Agriculture, who appeared to be in charge, Mr. Paul H. Appleby. It would perhaps be unfair for me to suggest that my interview with Mr. Appleby was not satisfactory, because the man was very, very busy.

I think, however, that this Congress, as well as the drought-stricken and hungry farmers of Nebraska, would be interested in knowing why Mr. Appleby was so busy. Mr. Appleby was so terribly busy that it was hard for the needs of these poor, drought-stricken farmers to enter his consciousness. In fact, Mr. Appleby just had a lot of things to do. Apparently, Mr. Appleby has been selected to mobilize the vast and far-reaching organization of the Department of Agriculture, to pernicious and unlawful political activities for the election of Henry Wallace and Franklin D. Roosevelt, the Hatch pure-politics law notwithstanding.

Our conversation was interrupted by four telephone calls. I believe the people ought to know about those telephone calls. All four of them were of a political nature. First, he got a call from some New Deal henchman and they discussed matters relative to the campaign. Among other things, Mr. Appleby said that he would see that the party calling was furnished with several copies in advance of Mr. Wallace's acceptance speech. Now, to keep these New Deal bureaucrats in power, I expect such a mission was more important than the problems of the distressed farmers of a great State.

After this telephone call we again started to talk about the Nebraska situation and there was another telephone call from some New Deal lieutenant. This time Mr. Appleby discussed the speaking schedule. It seems as though they had been lined up for September but thought it unwise to make any arrangements for October. Two or three times in that conversation he referred the man to Mr. Ed Flynn, the chairman of the Democratic National Committee. I could not believe my ears, just think of it, that the great Department of Agriculture was more interested in farmers' votes than in farmers' welfare. After this conversation about the speaking dates we again resumed our talk about the Nebraska farmers. I was under the impression that the Department of Agriculture existed for the Nebraska farmers and the farmers in the other 47 States, but apparently I was mistaken in that assumption. Soon he was called to the phone again. It was another political conversation. This time it appears as though someone had some material to suggest that should go into the Honorable MARVIN JONES' speech of notification of Henry Wallace at Des Moines. I am glad to say, however, that Mr. Appleby made the statement that he thought the gentleman from Texas, Mr. MARVIN JONES, had already written his own speech. And I say "Hurrah for Mr. JONES." I am proud of him. But at any rate the conversation revealed that someone, somewhere, had some ideas that ought to go into that speech and they talked it over. Mr. Appleby thought that it probably should be looked over anyway.

After the Marvin Jones speech had been discussed we again started to take up something about some feed for the hungry livestock in the State of Nebraska. But there was another interruption. This time it was another telephone

call from a Mr. Early; if I remember correctly, that is the name of the secretary to the President. At that time I found it necessary to leave, and thus ended my conference in behalf of American citizens whom I represented.

I want to say to this House and to the Nation that these New Deal bureaucrats, who make political capital of human misery, and who will resort to anything to perpetuate themselves in power, will have to answer to the American people. We know as long as they are in charge of things that there will be no prosecutions under the Hatch Act, neither will there be any dismissal of the offenders.

The policy denying to distressed and worthy American citizens the same opportunity to buy cheap corn as extended to the citizens of foreign lands can never be defended before the American people. The humanitarianism of the crowd that love Argentine beef better than American beef is but a sham, a pretense, and a fake. [Applause.]

Gentlemen, this is a great tragedy. That great Department of Agriculture, created to help American farmers, organized and started out by that illustrious and distinguished Nebraskan and Secretary of Agriculture, J. Sterling Morton, must be returned to the American farmers. The New Deal political cultures must be cast into oblivion, from whence they came. [Applause.]

Mr. MUNDT. Mr. Speaker, will the gentleman yield?

Mr. CURTIS. I yield to the gentleman from South Dakota.

Mr. MUNDT. The gentleman is an able and tireless worker for the people of his district and is recognized as a real friend of the farmer. The gentleman has given us a very interesting and intriguing review of his experience in visiting the Department of Agriculture. The gentleman's concluding remarks, expressing the belief that a Department of Agriculture should exist primarily to aid the farmers, calls to my mind the fact that when we were discussing parity payments for the farmer, both times in this Congress we had considerable difficulty in convincing some of our colleagues on both sides of the aisle from the metropolitan areas that the farmers needed parity, needed some assistance from the Government.

The bipartisan bloc which we formed to secure these parity payments, and to which both the gentleman from Nebraska and I belonged, suffered considerably from the handicap that neither the Secretary of Agriculture nor President Roosevelt had made any recommendations in the Budget for such parity payments. I believe that had they made such recommendations we would have had a much easier time in our fight to secure the parity payments for agriculture.

Mr. CURTIS. At the same time other officials in the Department of Agriculture were having the people back home put the "bee" on Congress and directing the attention of the people to them as responsible, when there was no Budget estimate for such payments. Mr. Wallace should have made the request for the payments to the Bureau of the Budget.

Mr. MUNDT. I imagine that when the speech of acceptance is made in Des Moines somebody will be claiming credit for parity payments who was not fighting on the firing line when we needed him during that battle and when he was making his annual budgetary recommendations.

Mr. MURRAY. Mr. Speaker, will the gentleman yield?

Mr. CURTIS. I yield to the gentleman from Wisconsin.

Mr. MURRAY. Does the gentleman know who Mr. Appleby is?

Mr. CURTIS. No; I do not.

Mr. MURRAY. My information on him is that he graduated from Grinnell College, the same one, I believe, from which Mr. Hopkins graduated, and that he is not an agricultural man and has never been to an agricultural college.

I believe it is time the people of this country recognize that in view of the fact that we have a 50-year background of agricultural colleges all over the United States we cannot accept the program of putting professional politicians in the Department of Agriculture. It is a reflection on our agricultural colleges that in 50 years' time we have not developed men who are capable of being even Under Secretary of Agri-

culture. They may make good vote getters, but it is wrong to the farm people of this country.

Mr. CURTIS. I thank the gentleman for his contribution.

Mr. H. CARL ANDERSEN. Mr. Speaker, will the gentleman yield?

Mr. CURTIS. I yield to the gentleman from Minnesota.

Mr. H. CARL ANDERSEN. I have been very much interested in the gentleman's observations. Today I was amazed to hear—and I hold here documents to prove it—that in 1937 and 1938 the President of the United States vetoed twice, once each year, a bill that would give us a lower rate of interest upon these same loans by the Federal Land Bank yet we recently had in our State a great meeting attended by this same Secretary of Agriculture in behalf of a so-called debt-adjustment bill, leading the farmers in our State to believe that they were so much in favor of reducing the rates of interest.

[Here the gavel fell.]

#### ENROLLED BILLS SIGNED

Mr. PARSONS, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H. R. 3976. An act for the relief of Violet Knowlen, a minor;

H. R. 6061. An act for the relief of Hazel Thomas;

H. R. 6334. An act for the relief of Pearl Waldrep Stubbs; and

H. R. 8605. An act for the relief of Mary Janiec and Ignatz Janiec.

#### BILL PRESENTED TO THE PRESIDENT

Mr. PARSONS, from the Committee on Enrolled Bills, reported that that committee did on this day present to the President, for his approval, a bill of the House of the following title:

H. R. 10004. An act to provide for the transfer of the duplicates of certain books in the Library of Congress to the Beaufort Library of Beaufort, S. C.

#### ADJOURNMENT

Mr. COCHRAN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 35 minutes p. m.) the House adjourned until tomorrow, Thursday, August 29, 1940, at 12 o'clock noon.

#### COMMITTEE HEARINGS

##### COMMITTEE ON IRRIGATION AND RECLAMATION

There will be a meeting of the Committee on Irrigation and Reclamation on Thursday, August 29, 1940, at 10 a. m., in room 128, House Office Building, for the purpose of considering H. R. 10122.

##### COMMITTEE ON PUBLIC BUILDINGS AND GROUNDS

There will be a meeting of the Committee on Public Buildings and Grounds on Thursday, August 29, 1940, at 10 a. m., for the consideration of the defense-housing bill.

##### COMMITTEE ON THE POST OFFICE AND POST ROADS

There will be a meeting of the Committee on the Post Office and Post Roads on Friday, August 30, 1940, at 10 a. m., for the purpose of considering all fourth-class postmasters' salary bills.

##### COMMITTEE ON MERCHANT MARINE AND FISHERIES

The Committee on Merchant Marine and Fisheries will hold a public hearing on Thursday, September 5, 1940 at 10 a. m. on the following bill: H. R. 10380, a bill to expedite national defense by suspending, during the national emergency, provisions of law that prohibit more than 8 hours' labor in any 1 day of persons engaged upon work covered by contracts of the United States Maritime Commission, and for other purposes.

#### EXECUTIVE COMMUNICATIONS, ETC.

1926. Under clause 2 of rule XXIV, a communication from the President of the United States, transmitting a supple-



mental estimate of appropriation for the Public Health Service, Federal Security Agency, fiscal year 1941, amounting to \$52,600 (H. Doc. No. 941), was taken from the Speaker's table, referred to the Committee on Appropriations, and ordered to be printed.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. SABATH: Committee on Rules. House Resolution 581. Resolution for the consideration of S. 4271, an act to increase the number of midshipmen at the United States Naval Academy; without amendment (Rept. No. 2887). Referred to the House Calendar.

Mr. JARMAN: Committee on Printing. House Concurrent Resolution 87. Concurrent resolution authorizing the Committee on Ways and Means of the House of Representatives to have printed additional copies of the hearings held before said committee on proposed legislation relative to the Excess Profits Taxation Act for 1940; without amendment (Rept. No. 2888). Referred to the Committee of the Whole House on the state of the Union.

Mr. BOREN: Committee on Interstate and Foreign Commerce. Senate Joint Resolution 267. Joint resolution providing for the acquisition by the Railroad Retirement Board of data needed in carrying out the provisions of the Railroad Retirement Acts; without amendment (Rept. No. 2889). Referred to the Committee of the Whole House on the state of the Union.

Mr. BLAND: Committee on Merchant Marine and Fisheries. H. R. 9982. A bill to require, during an emergency, the shipment and discharge of seamen on certain vessels of the United States before shipping commissioners, and for other purposes; with amendment (Rept. No. 2892). Referred to the Committee of the Whole House on the state of the Union.

Mr. SABATH: Committee on Rules. House Resolution 583. Resolution for the consideration of H. R. 10413, a bill to provide revenue, and for other purposes; without amendment (Rept. No. 2893). Referred to the House Calendar.

Mr. DOUGHTON: Committee on Ways and Means. H. R. 10413. A bill to provide revenue, and for other purposes; without amendment (Rept. No. 2894). Referred to the Committee of the Whole House on the state of the Union.

Mr. ELLIOTT: Joint Committee on the Disposition of Executive Papers. House Report No. 2895. Report on the disposition of records in the Federal Works Agency, United States Housing Authority. Ordered to be printed.

Mr. ELLIOTT: Joint Committee on the Disposition of Executive Papers. House Report No. 2896. Report on the disposition of records in the Federal Works Agency, Work Projects Administration. Ordered to be printed.

Mr. ELLIOTT: Joint Committee on the Disposition of Executive Papers. House Report No. 2897. Report on the disposition of records in the Civil Service Commission. Ordered to be printed.

Mr. ELLIOTT: Joint Committee on the Disposition of Executive Papers. House Report No. 2898. Report on the disposition of records in the Department of the Interior. Ordered to be printed.

Mr. ELLIOTT: Joint Committee on the Disposition of Executive Papers. House Report No. 2899. Report on the disposition of records in the Department of Agriculture. Ordered to be printed.

Mr. SOUTH: Committee on Interstate and Foreign Commerce. H. R. 10398. A bill to amend part II of the Interstate Commerce Act (the Motor Carrier Act, 1935), as amended, so as to make certain provisions thereof applicable to freight forwarders; with amendment (Rept. No. 2901). Referred to the Committee of the Whole House on the state of the Union.

#### REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. MASON: Committee on Immigration and Naturalization. H. R. 9625. A bill for the relief of Moses Limon and

Ida Julia Limon; with amendment (Rept. No. 2890). Referred to the Committee of the Whole House.

Mr. LESINSKI: Committee on Immigration and Naturalization. H. R. 10244. A bill for the relief of Dr. Michel Konne and Pauline Lucia Konne; without amendment (Rept. No. 2891). Referred to the Committee of the Whole House.

Mr. JENKS of New Hampshire: Committee on Naval Affairs. H. R. 7916. A bill granting 6 months' pay to Lillian M. Reymonda; with amendment (Rept. No. 2900). Referred to the Committee of the Whole House.

#### PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. CASE of South Dakota:

H. R. 10422. A bill to eliminate, as a source of potential danger in case of invasion or threatened invasion, certain gas tanks in the District of Columbia; to the Committee on the District of Columbia.

By Mr. AUSTIN:

H. R. 10423. A bill to authorize a preliminary examination and survey of the Byram River and its tributaries in the State of Connecticut for flood control, for run-off and water-flow retardation, and for soil erosion prevention; to the Committee on Flood Control.

By Mr. NORRELL:

H. R. 10424. A bill to authorize the construction of drainage facilities in levees on the south bank of the Arkansas River below Pine Bluff, Ark.; to the Committee on Flood Control.

By Mr. KEAN:

H. Res. 582. Resolution providing for an investigation of the slum-clearance and low-rent housing program; to the Committee on Rules.

By Mr. FISH:

H. Res. 584. Resolution requesting the Secretary of the Navy to transmit information on airplane contracts; to the Committee on Naval Affairs.

H. Res. 585. Resolution requesting the Secretary of War to transmit information on airplane contracts; to the Committee on Military Affairs.

#### PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CASE of South Dakota:

H. R. 10425. A bill granting a pension to Leo P. Thomas; to the Committee on Invalid Pensions.

By Mr. PETERSON of Florida:

H. R. 10426. A bill to provide for placing Leland Cavanah Poole on the retired list of the United States Navy as a lieutenant (junior grade), United States Navy; to the Committee on Naval Affairs.

By Mr. REECE of Tennessee:

H. R. 10427. A bill granting a pension to Mary A. Green; to the Committee on Invalid Pensions.

#### PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

9236. By Mr. DICKSTEIN: Petition of Dr. Bernard Drachman, president, Jewish Sabbath Alliance of America, and many others; to the Committee on Military Affairs.

9237. By Mr. GREGORY: Petition of P. W. Ordway, president, representing Young Business Men's Club of Murray, Ky., favoring material aid to the Allies, etc.; to the Committee on Military Affairs.

9238. By Mr. LYNCH: Petition of the National Maritime Union of America, opposing peacetime conscription; to the Committee on Military Affairs.

9239. Also, petition of the Trade Union Athletic Association, New York, N. Y., opposing the Burke-Wadsworth bill; to the Committee on Military Affairs.

9240. Also, petition of the United Office and Professional Workers of America, New York, N. Y., opposing the Burke-Wadsworth bill; to the Committee on Military Affairs.

9241. Also, petition of Local No. 1, Brotherhood of Telephone Workers, opposing peacetime conscription; to the Committee on Military Affairs.

9242. By Mr. SUTPHIN: Petition of the Lions Club of Freehold, N. J., urging speedy passage of the Burke-Wadsworth bill, calling for selective compulsory military training; to the Committee on Military Affairs.

9243. By Mr. WARD: Petition of sundry citizens of the First District of Maryland, to transfer at least 60 of our over-age destroyers to Great Britain; to the Committee on Military Affairs.

9244. By the SPEAKER: Petition of the American Legion, Department of Mississippi, petitioning consideration of their resolution with reference to the national-defense program; to the Committee on Military Affairs.

9245. Also, petition of the Grand Aerie, Fraternal Order of Eagles, Marion, Ohio, petitioning consideration of their resolution with reference to the national-defense program; to the Committee on Military Affairs.

## SENATE

THURSDAY, AUGUST 29, 1940

(Legislative day of Monday, August 5, 1940)

The Senate met at 12 o'clock noon, on the expiration of the recess.

Rev. Duncan Fraser, assistant rector, Church of the Epiphany, Washington, D. C., offered the following prayer:

O God, Holy Ghost, sanctifier of the faithful, visit, we pray Thee, this people with Thy love and favor; enlighten their minds more and more with the light of the everlasting gospel; graft in their hearts a love of the truth; nourish them with all goodness; and of Thy great mercy keep them in the same, O blessed Spirit, whom with the Father and the Son together we worship and glorify as one God, world without end. Amen.

### THE JOURNAL

On request of Mr. BARKLEY, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day of Wednesday, August 28, 1940, was dispensed with, and the Journal was approved.

### CALL OF THE ROLL

Mr. MINTON. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Adams	Danaher	Lee	Sheppard
Andrews	Donahey	Lucas	Shipstead
Ashurst	Downey	Lundeen	Slattery
Austin	Ellender	McCarran	Smathers
Bailey	George	McKellar	Smith
Bankhead	Gerry	Maloney	Stewart
Barkley	Gibson	Mead	Taft
Bone	Glass	Miller	Thomas, Idaho
Bridges	Green	Minton	Thomas, Okla.
Brown	Guffey	Murray	Thomas, Utah
Bulow	Gurney	Neely	Tobey
Burke	Harrison	O'Mahoney	Townsend
Byrd	Hatch	Overton	Truman
Byrnes	Hayden	Pepper	Tydings
Capper	Herring	Pittman	Vandenberg
Caraway	Hill	Radcliffe	Van Nuys
Chandler	Holt	Reed	Wagner
Chavez	Hughes	Reynolds	Walsh
Clark, Idaho	Johnson, Calif.	Russell	Wheeler
Clark, Mo.	Johnson, Colo.	Schwartz	White
Connally	La Follette	Schwellenbach	Wiley

Mr. MINTON. I announce that the Senator from Mississippi [Mr. BILBO], the Senator from Iowa [Mr. GILLETTE], and the Senator from Utah [Mr. KING] are necessarily absent.

Mr. AUSTIN. I announce that the Senator from Oregon [Mr. HOLMAN] is absent on public business.

The Senator from New Jersey [Mr. BARBOUR] is attending the funeral of Mr. Seger, late a Member of Congress from the State of New Jersey.

The following Senators are unavoidably absent:

The Senator from Oregon [Mr. McNARY], the Senator from Pennsylvania [Mr. DAVIS], the Senator from North Dakota

[Mr. FRAZIER], the Senator from Massachusetts [Mr. LODGE], the Senator from Nebraska [Mr. NORRIS], and the Senator from North Dakota [Mr. NYE].

The PRESIDENT pro tempore. Eighty-four Senators have answered to their names. A quorum is present.

### JUNE REPORT OF THE RECONSTRUCTION FINANCE CORPORATION

The PRESIDENT pro tempore laid before the Senate a letter from the Chairman of the Reconstruction Finance Corporation, submitting, pursuant to law, a report of the activities and expenditures of the Corporation for the month of June 1940, including statement of loan and other authorizations made during that month, etc., which, with the accompanying papers, was referred to the Committee on Banking and Currency.

### MRS. GUY A. M'CONOHA

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 760) for the relief of Mrs. Guy A. McConoha, which was, on page 2, line 2, to strike out all after the word "Provided", down to and including "\$1,000" in line 14, and insert "That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000."

Mr. WHEELER. I move that the Senate concur in the amendment of the House.

The motion was agreed to.

### SURETY BONDS FOR NAVAL-CONSTRUCTION CONTRACTS

Mr. WHEELER presented telegrams and a letter relative to surety bonds for naval-construction contracts, which were ordered to lie on the table and to be printed in the RECORD, as follows:

BILLINGS, MONT., August 26, 1940.

Hon. B. K. WHEELER,

Senate Office Building, Washington, D. C.:

We are vitally interested in the passage of amendment to H. R. 10263, striking out provision authorizing Navy Department to waive performance and payment bonds required by law for many years. We and others in similar business will be deeply grateful if you will support this amendment.

C. M. HOINESS.

HELENA, MONT., August 24, 1940.

Senator B. K. WHEELER:

H. R. 10263, now before Senate, would have effect of waiving surety bonds on naval-construction contracts. We submit the Government is entitled to and has insisted upon a guaranty of completion of all contracts heretofore awarded and cannot consistently make exceptions to such important work as naval construction. We respectfully ask your support of amendment which will be introduced on Senate floor restoring present provisions of Miller Act requiring such bonds.

Thanks and kindest regards,

MONTANA ASSOCIATION OF CASUALTY AND SURETY EXECUTIVES,

By MARK FARRIS.

MONTANA ASSOCIATION OF CASUALTY AND SURETY EXECUTIVES,  
By MARK FARRIS.

Senator B. K. WHEELER,

Washington, D. C.

MY DEAR SENATOR: Enclosed is confirmation of telegram which we sent you today.

We will appreciate your support of the amendment to H. R. 10263, which will be introduced on the Senate floor and which restores the present provisions of the Miller Act requiring surety bonds on construction contracts awarded by the Government.

The Government has consistently required surety bonds on all kinds of contracts which it has awarded heretofore, and we can see no good reason to except naval construction, especially in these days of "fifth columnist" activities. In other words, we feel that if we are going to build ships, let us do it in an orderly and business-like manner. Suretyship is the only guaranty that a contract will be completed according to specifications.

Thank you for your kind consideration of this important piece of legislation.

With kindest personal regards, I am,

Respectfully yours,

MARK FARRIS, Treasurer.